



Fédération internationale de l'Action des chrétiens pour l'abolition de la Torture
International Federation of Action by Christians for the Abolition of Torture
Federación Internacional de la Acción de los Cristianos para la Abolición de la Tortura

FIACAT's concerns regarding torture and ill treatment in Mexico

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**Structural impunity in Mexico reinforces the practice of torture, child abuses, gender
and criminal violence**

Summary

1. The International Federation of Action by Christians for the Abolition of Torture (FIACAT)¹ states that the increasing of violent criminal deaths, gender violence, child abuses and police violence in Mexico is directly related with the persistence of impunity, as confirmed by the international human rights monitoring bodies from 1997 to 2007. For more than ten years, specific recommendations against impunity published by international human rights bodies have not been implemented. Although its openness and proactive co-operation with the international human rights system, Mexico confirms its problems to ensure the accomplishment of its international obligations at the national and local levels, regarding torture and violence.

“State of Art” on impunity in Mexico

2. The structural impunity, part of the heritage of the pre-democratic period, is still operating in different regions and at different levels. The political regime inaugurated in 2000 “*has not pushed-in the structural changes that may deconstruct the basis of the impunity system*”.² For instance, the Inter-American Court on Human Rights has recalled that “(...) impunity lets to

¹ This statement has been prepared by FIACAT's correspondent in Mexico.

² Juan Antonio Vega Báez, *Políticas de impunidad y derechos humanos en América Latina: dos historias de fin de siglo*, México, UNAM, 2008, p. 134.

the chronicle repetition of human rights violations and the total lack of defense for victims and its relatives.”³

UN Human rights monitoring system

a. Torture and ill treatment

3. The “*structural factors related to the criminal procedure that avoid the eradication of torture...*” has been recognized by the Federal District Human Rights Commission’s Diagnosis of Human Rights in Mexico City (2008). Its findings are: the persistent use of flagrant delicto; the probing value given to the administrative declarations by the prosecutor (“*ministerio público*”); the absence of an effective right to legal counsel and the lack of rules that ensure the assistance of a lawyer from the beginning of the detention and the weakness of mechanisms which protect human integrity.

b. Violence against women

4. Although the Federal Government has created a Special Prosecutor’s Office for the Attention of Crimes related to Violence against Women in México, the major concern is related to the lack of independent investigations and judicial reactions regarding the amount of local claims of *feminicide*. At the same time, the General Law for the Access of Women to a Life without Violence passed by the Federal Legislative Branch is a good measure but that has not provoked institutional changes and new laws at the local level, nor has been reinforced through the approval of a specific budget for its implementation.

Extrajudicial executions, disappearances and criminal violence

5. At this respect, Pax Christi showed in 2008 that Mexico occupies the world’s first place in the number of kidnappings, even over countries like Iraq and Colombia. Kidnappings are performed by organised criminals as a source of income and by drug trafficking gangs as a way to revenge or negotiate with other gangs and authorities. Mexico has registered in 2008 the greatest historical amount of persons and public agents murdered in the context of the fight against criminality, what has been evaluated as a crisis of the public security system.

The weakness of the National Human Rights initiatives in Mexico

6. In order to fight against impunity regarding torture and violence, the actual national initiatives suffer structural weaknesses or face internal political obstacles:

a. The Mexican Human Rights National Plan of Action has neither a long term scope nor a vision of structural change to combat impunity and is not linked with the Diagnosis approved by the HCHR. It has no specific budget and has limited links with the development of National Plans in the fields of Violence against Children and Violence against Women.

b. The Mexican Ombudsman System, considered as the biggest and most expensive in the world, has limited independence and no dialogue with NGOs. It is appointed by the Executive branch as the National Prevention Mechanism to follow-up the Optional Protocol of the CAT (OPCAT).

c. The Cooperation Agreement between the Mexican government and the Office of the High Commissioner for Human Rights in Mexico. The Mexican government has

³ Corte Interamericana de Derechos Humanos, *Caso Paniagua Morales y Otros*, Sentencia del 8 de marzo de 1998, Serie C, Resoluciones y Sentencias, No. 37, párr. 173.

combated systematically the HCHR's local monitoring faculty and the public declarations of its representative in fields as the army participation in public security and the impact of economic, social and cultural human rights violations in strategic global investment projects as in La Parota case.

Recommendations

Taking in consideration the cross-cutting presence of impunity in the above mentioned fields, and the reinforcement and increase of levels of violence, we ask the Human Rights Council to:

- Express its concern on the high levels of impunity that affect civilians, women and children, specially those members of indigenous peoples, poor families and migrants;
- Recommend the strengthening of the role and mandate of the Office of the High Commissioner for Human Rights in Mexico.