



Permanent Mission
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Geneva, 23 October 2013

**German questions and recommendations to
Mexico**

**Statement
by
Germany**

Mister President,

Germany appreciates the progress achieved in strengthening human rights in Mexico, in particular in the fields of constitutional reform and legislation for the protection of victims of organized crime, human rights defenders and journalists. Nevertheless, the practical implementation of these legislative changes needs more attention.

Therefore, we recommend that the Government of Mexico ensures that human rights defenders and journalists are protected and not subject to defamation. The "Protection Mechanism for Human Rights Defenders and Journalists" should be funded appropriately and a clear division of jurisdictional responsibilities between the different levels of government should be achieved.

Second, Germany recommends that the Government of Mexico abolishes the 'arraigo penal' at the federal and state level as it is contrary to international human rights standards.

Third, we recommend that the legal framework against torture conforms to international human rights standards and that the Istanbul Protocol be applied in all federal states. Persons responsible for torture should be convicted accordingly in order to prevent the future use of torture.

Thank you, Mister President.

Question in advance:

1. Germany remains concerned about any occurrences of enforced disappearance in all countries. We recognize that Mexico has invested efforts into reducing the occurrence of such disappearances and has worked towards ensuring a comprehensive legal framework in order to facilitate its prosecution. Mexico has stated in its national report that a number of bills are before Congress that shall fully implement international conventions on this subject. What efforts is the Government of Mexico deploying to implement international standards as rapidly as possible and what strategies is it developing to accelerate this process? Moreover, what steps is Mexico taking to ensure that such international standards are operationalized at all levels of government and in particular, how does it ensure that sufficient staff and funding is secured for such entities that deal with enforced disappearances?
2. Germany notes that the Supreme Court has ruled that Article 57 of the Code of Military Justice is unconstitutional and that a number of proposals for amending this article are before Congress. What strategy is the Government of Mexico employing to ensure that any such bill would be comprehensive in excluding all human rights violations conducted by members of the armed forces against civilians from the military justice system? Furthermore, considering the unconstitutionality of Article 57, in what ways is the Government of Mexico already now guaranteeing that *the Amparo* is an effective judicial instrument in objecting to the jurisdiction of a military court?

