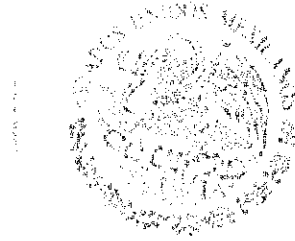


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MISION PERMANENTE DE MEXICO  
ANTE LOS ORGANISMOS INTERNACIONALES



**Speech by the Minister of Foreign Affairs of Mexico**

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**Human Rights Council**

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**Second Evaluation of Mexico**

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**Check against delivery**



*Mister President of the Human Rights Council,*

*Distinguished Ambassadors and Delegates,*

*Representatives of civil society,*

With a strong sense of conviction and responsibility I come to this session of the Human Rights Council's Universal Periodic Review Mechanism on behalf of the Mexican State, in order to present its Second Report on the human rights situation.

### Introduction

My country's Delegation, here present, is a reflection of the commitment of the country's political actors, and the State's decision to consolidate its human rights agenda. It is composed by institutions of the Executive Power, Representatives of the Legislative, the Governor of the State of Coahuila and Human Rights Coordinator of the National Conference of Governors, and the National Ombudsman.

In 2013, Mexico presents concrete progress in the promotion, respect, and protection of human rights. Mexico is undergoing a process of structural transformation and modernization of the constitutional and legal order that will consolidate a State Policy on this matter.

Such progress has been achieved on account of the agreement and collaborative support of political actors, civil society organizations, as well as national and international human rights defense organizations that were able to push forward a common agenda for the benefit of Mexicans.

Important challenges persist, but today, more than ever, we work for the common goal of **building a rights-based society and a country with opportunities for all.**

Mister President:

Firstly, I will refer to Mexico's main achievements in human rights matters, triggered by a series of unprecedented constitutional reforms, and the necessary secondary legislation for its implementation.

Subsequently, I will mention the programs and public policies designed to consolidate a human rights culture. Finally, I will address the context that has favored such changes, generated by the commitment of the main political parties, as reflected in the "Pact for Mexico"; the firmness with which this agenda has been promoted by the President of Mexico; the cooperation of the Union's Powers; and the invaluable collaboration of the international system's mechanisms. This has been a catalyst for Mexico's profound transformation in the subject of human rights.

### Constitutional reforms

**Firstly**, I would like to emphasize the new constitutional and legal framework in which the recognition and protection of human rights are guiding principles of the State's action.

The 2011 human rights constitutional reform represents the largest expansion of rights in the country, since the promulgation of the current Constitution, in 1917.

The 2011 constitutional reform recognizes the transcendence of the human rights contained in international treaties to which Mexico is a party.

It further recognizes the *pro personae*, universality, progressiveness, interdependence and indivisibility principles.

Every Mexican judge must interpret the law and rule in conformity with the norm which is most favorable to the person, whether it stems from a national or an international source.

**Secondly**, the faculties of the national *Ombudsman* were expanded. At the local level, it strengthened the autonomy of the commissions for the protection of human rights.

**A third aspect** is the fundamental change that the renewal of the *amparo* trial, *habeas corpus*, represents, as an effective human rights protection mechanism.

Following this reform, the *amparo* trial may proceed in the case of acts or omissions of authority that infringe human rights contained in international treaties. In addition, the Supreme Court of Justice is empowered to issue a general declaration of unconstitutionality of a given norm.

Further, the parameters of this remedy's applicability are broadened, from cases where there is an exclusively legal interest to those where a "legitimate interest" can be adduced, thus allowing for an effective protection of collective rights.

### Public policies

Developments in the constitutional and legislative framework are accompanied by the design of public policies that incorporate a cross-cutting human rights perspective.

The 2013-2018 National Development Plan articulates a roadmap for the Federal Government by establishing five national goals: working towards the transformation of our country into a Mexico in Peace; an Inclusive Mexico; a Mexico with Quality Education; a Prosperous Mexico; and a Mexico with Global Responsibility.

The first goal, Mexico in Peace, seeks to strengthen democracy and good governance so that persons are placed at the center of security and justice policies.

Mexico's commitment, embodied in the National Development Plan, is to provide conditions of security and peace for all people, in order to achieve their development and wellbeing.

In the framework of this Plan, the National Human Rights Program is being developed. The Program will be fundamental in consolidating a State policy that involves all authorities, and ensures their coordination in the implementation of the constitutional reform on the subject.

This Program is being prepared jointly with civil society and will include the recommendations of national and international human rights organizations. For the first time it will include indicators and targets in order to measure progress, identify challenges and, if necessary, make adjustments.

Mister President:

In 2009, Mexico shared with this forum the complex circumstances of insecurity and violence that the country was undergoing. Faced with that context, Government and society have, since 2012, outlined a New Security and Law Enforcement Policy which seeks to comprehensively address the causes of the phenomenon and not just its effects.

**As a fourth aspect**, this New Policy is characterized by the adoption of the recommendations of the Inter-American Commission on Human Rights on citizen security, prioritizing measures on social prevention of crime and actions to avoid human rights violations that could result from the use of force.

### Framework for the use of force

**In fifth place**, I call to your attention the fact that Federal Government institutions that make use of public force have protocols that regulate and restrain their actions, making sure they remain within a framework of full respect for human rights.

In addition, a Law that Regulates the Use of Public Force is being developed, a task in which the International Committee of the Red Cross provides support.

Levels of violence have decreased, and we have identified that the National Human Rights Commission has received considerably fewer complaints against members of the armed forces.

A solid State must privilege dialogue and tolerance. We have the absolute conviction that the security and human rights policies in Mexico should be interconnected.

### Attention to victims

**In sixth place**, the attention provided to victims of crime and of human rights violations is proof of the new approach through which Mexico is addressing the security problem.

Last January, the General Victim's Act was published as a legislation without precedent in our country, of national reach, that fulfills international standards.

The Act establishes assistance, protection, attention, comprehensive reparation and restitution of the rights of victims of violence. It incorporates, for the first time in Mexico, the concept of restorative justice. It places the victim as a central actor of the criminal justice system, from which it had been historically relegated.

Pursuant to the Act, the Executive Commission for the Attention of Victims was established. It is composed by civil society members that will supervise and make progress in the implementation of this new attention scheme in the entire country.

### Military Justice

**As a seventh aspect**, I will refer to Military Justice, another area that was the object of questions and recommendations during Mexico's previous exam, and in which important developments have taken place.

The Mexican State acknowledges that in situations that infringe the rights of civilian persons, under no circumstance may military jurisdiction operate. Therefore, efforts to redefine the competence of military justice are underway.

In conformity with the judgments of the Inter-American Court of Human Rights, the Nation's Supreme Court of Justice determined the unconstitutionality of article 57, fraction II, subsection a) of the Military Justice Code. At the same time, the Office of the Military Attorney General and the Military Courts have declined jurisdiction and referred to civil authorities 543 cases of alleged human rights violations.

### Protection of Journalists and Human Rights Defenders

**In eighth place**, I will mention the efforts for the protection of journalists and human rights defenders. Mexico received recommendations on the subject from this Council. We recognize the important contribution of these actors and observe an unrestricted respect for the right to freedom of expression.

Therefore, in accordance with a constitutional reform, federal authorities were empowered to have knowledge of and investigate crimes against freedom of expression, committed in harm of journalists, persons or facilities, and the Special Prosecutor's Office for the attention of such crimes was established.



**In addition**, in 2012, the Mechanism for the Protection of Human Rights Defenders and Journalists was created pursuant to a legal mandate, and a basis for cooperation with local governments was established, in order to operate preventive and protective mechanisms for the preservation of life, integrity, liberty and security of these persons.

Such Mechanism includes the active participation of civil society organizations, journalists and human rights defenders, in an atmosphere of co-responsibility to achieve a safe environment.

### Missing persons

**In ninth place**, among the legislative reforms that the President of Mexico recently sent to Congress, a relevant initiative is that to amend the Federal Criminal Code in order to harmonize the definition of the crime of enforced disappearance to international standards. Moreover, the Mexican President proposed to the Senate the withdrawal of the reservation maintained to the Inter-American Convention on Enforced Disappearance.

In 2011, the Missing and Disappeared Persons Registry Act was also approved, establishing the obligation of the Federal Government to develop a registry of individuals in this situation, in coordination with local authorities.

The registry exists nowadays, and work is in progress for its assessment and screening, to identify those persons that are still missing. Efforts are also carried out to locate them through local law enforcement offices, in coordination with the Missing Persons Search Unit that was recently created within the Federal Attorney General's Office to address this problem.

### Gender Equality

**As a tenth aspect**, we have developed the 2013-2018 National Program for the Equality of Opportunities and Non-Discrimination against Women, currently in force.

For the first time, national development planning incorporates gender perspective as one of its four cross-cutting priorities.

Additionally, in recent days, the President sent an initiative to reform the electoral legislation in order to guarantee parity between men and women in both Chambers of Congress.

### Rights of migrant persons

**As an eleventh aspect**, I underscore the actions carried out to prevent violations to the rights of migrants, considering Mexico's situation as a country of origin, transit, destination and return.

The most recent measures on the subject include the issuance of the 2010 Refugees and Subsidiary Protection Act, and the Migration Act in 2011, as well as programs to protect migrant women and children.

**As a twelfth aspect**, the Constitution guarantees the right to a hearing and the due process of foreigners that face a possible expulsion.

**In thirteenth place**, a restraint was established regarding the attributions of the Mexican State to decree a state of emergency. This reform determines a minimum of rights, the exercise of which may not be suspended or restricted under any circumstance.

### Implementing regulations

These two last reforms demand further development for implementation. With the support of the political forces of the country, expressed as commitments in the "Pact for Mexico", the initiatives that will give full effect to the aforementioned reforms were sent yesterday to Congress.

Mister President,

### Context of Institutional Collaboration and International Cooperation

We have reached agreements to transform Mexico into a country that is more just, where everyone, children, women, persons with disabilities and indigenous persons, all citizens without exception enjoy the same rights.

The Congress has been an essential piece in achieving this progress. With a great sense of responsibility, Deputies and Senators have worked in the design and adoption of the abovementioned constitutional amendments, and the secondary legislation that will optimize their implementation.

The Nation's Supreme Court of Justice has also played a key role in the fulfillment of the State's international obligations on human rights issues.

The binding nature of the entire jurisprudence of the Inter-American Court, and the conformation of a human rights "*constitutional corpus*" were recently recognized in a far-reaching resolution.

Mister President:

With regard to foreign policy, Mexico is committed to the strengthening of the international human rights system. We remain open to international scrutiny, as

evidenced in the standing invitation to the specialized mechanisms of the United Nations and the Organization of American States.

From 2009 to this day, we have received the visits of nine mechanisms of the Inter-American and United Nations systems, as well as the visit of the High Commissioner for Human Rights. I would particularly like to express my appreciation for the support received from Mrs. Navi Pillay.

Mister President:

During this first statement I have shared the progress achieved in Mexico. We acknowledge, nevertheless, that we still face challenges.

We addressed the recommendations made to us during the first UPR cycle. In Mexico, the defense and protection of human rights constitutes an indisputable determination. It is part of the consolidation of our democracy.

Our constitutional framework establishes, for all authorities, the obligation to protect fundamental rights, promoting a cultural and legal transformation.

Further on we will elaborate on these and other subjects. Additionally, a document with concrete answers to the questions submitted in advance by some Delegations, has been distributed.

Thank you