

MEXICO



MISION PERMANENTE

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UNOFFICIAL TRANSLATION

Statement by the Vice-Minister
for Multilateral Affairs and Human Rights
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Mister President,

It is with great honor that I participate in the proceedings of the Human Rights Council, representing the government of President Felipe Calderón, and to reaffirm Mexico's commitment to the promotion and protection of human rights, both in its territory and worldwide.

As a result of the openness that Mexico has shown in the past years towards the international monitoring mechanisms, in this Administration we intend to carry out the implementation of international standards at the national level as a priority in our human rights policy. This means shifting from a policy of treaty ratification to a policy focused on implementation. In other words, to deepen in the harmonization of domestic legislation with international standards, in the creation of monitoring mechanisms and in the participation of local authorities to disseminate, apply and promote human rights.

In the past years, Mexico has taken important strides towards consolidating the human rights policy as a policy of the Mexican State. This has generated an important institutional development to overcome Mexico's challenges in this area. We have a Commission for Governmental Policy on Human Rights, in full operation, wherein the civil society organizations have a relevant and wide participation in the design and application of human rights public policies.

The positive results derived from drawing up the Diagnosis on the situation of human rights in Mexico and the National Human Rights Program, evidenced the importance of advancing in the institutionalization of human rights at the local level. In collaboration with the Office in Mexico of the United Nations' High Commissioner for Human Rights, we will apply our efforts to prepare diagnoses on human rights situations at the state level that may give way to local human rights programs.

Mister President,

Mexico still faces great challenges and we have so acknowledged in the contributions and voluntary commitments that we presented when seeking our membership to the Human Rights Council. To overcome them, the implementation of international human rights obligations is a priority. For example, in applying the Optional Protocol of the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, federal criminal law amendments have recently been enacted regarding commercial sexual exploitation of children in order to, among other things, increase the penalties against whoever commits this crime. We are also looking forward to the adoption of the Act to Prevent, Combat and Punish Trafficking in Persons, inspired upon the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, that supplements the Palermo Convention on Transnational Organized Crime.

On freedom of expression and information, amendments have been approved to de-penalize defamation and calumny, so that these acts may be dealt with exclusively in civil proceedings. On March 6, 2007, Mexico's Constitution was amended to expressly recognize the access to public information and federal, state and municipal accountability as fundamental rights. The Law regarding Transparency of Information held by the Government has transformed the relationship between the citizen and the public administration.

Mexico continues working to reform its system of justice, as well as to prevent and eradicate torture and gender violence, which is a result of the discrimination that still persists in our country.

Significant resources, both human and material, have been applied to torture prevention. While seeking to incorporate the provisions of the Istanbul Protocol in criminal investigations on torture, 8 states of the federation have joined in applying the medical-psychological exam, while 3 more are about to implement it. Nevertheless, while all states have legislated on torture, we need to harmonize the criminal provisions on this matter and with that aim, a draft amendment to the Constitution is being elaborated.

We shall comply with the time-limit set by the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in order to establish the national preventive mechanism regarding torture, with the support of the High Commissioner's Office and civil society organizations.

We continue adopting measures to combat discrimination in all its forms. The elimination of all violence against women is a fundamental task at hand, both in the public and private spheres. Mexico's Congress recently approved the General Act for Equality between Women and Men, and the General Act for Women's Access to a Life Free of Violence was published this past February, thus complying with the recommendations of the Committee on Economic, Social and Cultural Rights and of the Committee on the Elimination of All Forms of Discrimination Against Women.

We also recognize the need to make substantive amendments to the General Population Law in order to harmonize it with the international legal framework, including the Convention on the Protection of the Rights of all Migrant Workers and their Families.

Mister President,

Mexico has benefited from the openness to international monitoring and cooperation in order to better overcome the challenges we face. Mexico remains open to visits of international mechanisms for the promotion and protection of human rights. As it has done before, Mexico will provide full cooperation in order

to ensure that these visits are successfully carried out and result in benefit of human rights in our country.

Mister President,

Mexico has been one of the main supporters of the establishment of the Human Rights Council. We shall continue working with all its members in order to achieve its consolidation as the UN organ by excellence responsible for the protection and promotion of human rights.

One of the reasons for which we supported the establishment of the Council was to raise human rights to the level they should have always had within the Organization. While we promote human rights mainstreaming, we consider it essential to avoid the evident duplication of work on this matter among the different UN bodies, particularly between this Council and the General Assembly's Third Committee. We fully understand the transition situation that the Council is undergoing. Nevertheless, once it is finished, the challenge will be to remedy duplications that may damage the effective promotion and protection of human rights, and, of course, their normative development. In this sense, we lament the use of the Third Committee during the transitional period in such a way that it diminishes the responsibilities entrusted to this Council by the General Assembly. We trust in a higher sense of consistency from all Member States of this Council.

In this context, my country, after 21 years of negotiations, advanced together with other delegations the adoption, last June, by the Council, of the United Nations Declaration on the Rights of Indigenous Peoples. The General Assembly has a daunting responsibility vis-à-vis this instrument, which resulted from negotiations, in which all States and indigenous representatives from the different regions of the world had an opportunity to engage.

Mister President,

On June 18, the Council must conclude its institutional building efforts. As a result, it shall have a strengthened group of mechanisms for the promotion and protection of human rights, ready to operate.

The Council shall find support in these mechanisms in order to carry out all the functions that were ascribed to it by resolution 60/251. In this spirit, the Council's mechanisms must assist all States and provide a better surveillance, increased capacity, and support the implementation of international standards as well as their effective follow-up, in order to derive in an improved human rights situation on the ground.

The Council members must apply the strictest norms on promotion and protection of human rights, and fully cooperate with the Council. We shall be

amongst the first to benefit from the Universal Periodic Review, which will review all 192 UN members in the next three or four years. For this purpose, we believe that only with four working groups entrusted to apply the review, and meeting throughout the year, will the Council be able to adequately carry out its mandate for the promotion and protection of human rights. It is essential that the Universal Periodic Review be able to provide adequate and effective follow-up to its results. Further, we remain convinced that the UPR must have serious mechanisms with credible instruments to resolve cases wherein lack of cooperation may arise from the reviewed State.

Mexico considers that the efforts of the special procedures have derived in great results towards the promotion of a universal human rights culture, as well as in their global protection. We shall strive for a strengthened special procedures system that includes the protection of human rights of indigenous peoples, of migrants, and for the promotion and protection of human rights and fundamental freedoms in the fight against terrorism, amongst other very important issues. We shall seek to preserve their broad capacity of action that enables them to carry out visits *in situ*, issue urgent calls and deal with communications and individual complaints.

The strength of the special procedures and, in general, of the other mechanisms, is founded upon the manner in which their mandate-holders are elected and in the objective fulfillment of their mandates. We must rescue the virtues both of appointment by the President of the Council as well as endorsement by regional groups, achieving a combination that guarantees both the high level of specialization and professionalism of the mandate-holders, as well as their independence. This, in addition to the harmonization of the working methods and criteria of the special procedures, will allow for a better fulfillment of their duties.

Mister President,

Although the Council is not a completely finished mechanism, this is no reason for the States not to commit with this new organ. The Council is the UN mechanism for human rights, and for this reason no State that works in favor of them may marginalize itself from its responsibilities towards the Council nor, much less, work against it.

Mexico acknowledges an undeniable political and legal value to the recommendations of the Human Rights Council. As per resolution 60/251 the Council has full authority to issue recommendations on the protection and promotion of human rights, both to States as well as to all organs of the United Nations system. We, States, have the responsibility to support its mandate and be collective guarantors of the compliance of its recommendations, by all means available, as per the Charter of the United Nations.

Thank you very much, Mister Chairman.