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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the escalation of violence in Mexico

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European Parliament resolution on the escalation of violence in Mexico

The European Parliament,

- having regard to the UN Human Rights Committee 98th Session (8-26 March 2010),
 - having regard to the 2010 Amnesty International report on human rights violations against human rights defenders (AI: (2010): Standing up for justice and dignity: Human Rights Defenders in Mexico, London) ,
 - having regard to the 2009 Amnesty International report on human rights violations by the military in Mexico, the chapter on Mexico of the HRW 20th annual World Report, and to the HRW report, *Uniform Impunity, Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations*,
 - having regard to the Conviction of Mexico by Inter American Court of Justice on the so called case of Campo Algodonero, of November 16, 2009, and the case of Rosendo Radilla, of 23 November 2009,
 - having regard to the 2007 General Law on Access for Women to a Life Free of Violence in Mexico,
 - having regard to its resolution of 11 October 2007 on the murder of women (feminicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon (2007/2025(INI)),
 - having regard to Rules 122(5) of its Rules of Procedure,
- A. whereas the sharp increase in deployment of military personal since President Calderón come into office in December 2006, carrying out enforcement activities, though no legal extension of military power has been enacted, with about 50.000 soldiers in action in the "war against the narcos", largely contributes to the escalation of violence in the country, with roughly 16.000 people killed since the end of 2006,
- B. whereas national as well as international human rights organisations report increasing numbers of enforced disappearances, unlawful and extrajudicial killings, torture, sexual violence against women, other ill-treatment and arbitrary detention, as well as el "arraigo" (authorized preliminary detention) committed by members of the Mexican military, and whereas the overspill from the war against drug cartels allows for an uncontrolled fight against social activists,
- C. whereas the situation of systematic and gross violations on human rights is further exacerbated through the existence military tribunals in charge suing abuses by members of the military, generating impunity and exposure of the victims, without the possibility of defence,
- D. whereas Mexican authorities frequently fail to investigate, sue and sanction adequately

and 98% to 99% of all crimes stay in impunity, according to the National Commission of Human Rights,

- E. whereas in several regions such as Guerrero, Oaxaca, Chiapas, Sinaloa, Michoacán, Baja California and Chihuahua military abuses have multiplied exponentially and whereas the cases against soldiers, the National Commission on Human Rights has increased from 182 in 2006 to 1.230 in 2006,
- F. whereas on 3 January 2010, Josefina Reyes, a longstanding activist of the National Front Against Repression was assassinated near Ciudad Juárez by an armed group, after having spoken out against the disappearance of one of her sons at the hands of the army, without any meaningful investigation into the crime until now,
- G. whereas rape and other forms of sexual harassment are frequent, without adequate response by the national authorities, and while women are forced to seek recourse through the Inter-American system, such as in the case of the rape of Inés Fernández Ortega and Valentina Rosendo Cantú, from the Me'phaa indigenous community,
- H. whereas in the cases of Campo Algodonero and of Valentina Rosendo, la Corte Interamericana de Derechos Humanos no sólo reconoció la impunidad de los feminicidios cometidos en México, sino condenó al Estado Mexicano por omisión y pidió cambios legislativos,
- I. whereas the Congress of Mexico City has de-criminalized the use of abortion in a series of circumstances, concerned, however, by steps taken by other Mexican states to prohibit and penalise abortion, which increases the risk of dangerous clandestine abortion and has led to the imprisonment of many women, even if their abortion was involuntary,
- J. whereas internationally notorious cases of human rights violations committed by military forces, such as arbitrary detention, torture, rape and extrajudicial killings following social protest in Guadalajara (2004) and Atenco (2006) and Oaxaca (2006-2007) have still not been adequately prosecuted,
- K. whereas Mexico is one of the worldwide most dangerous places for journalists, according to the International Federation for Journalists, with at least 53 journalists murdered since 2000 and 13 journalists killed in 2009 alone,
- L. whereas harassment and threats against members of organisations working on the defence and promotion of human rights continue; and whereas all current preliminary investigations of aggressions against and killings of human rights defenders at the state and federal levels suffer from unjustified delays,
- M. whereas a climate of criminalization of social protest as well as criminal accusations against human rights defenders who are imprisoned and face one or many charges have intensified and whereas there are serious concerns about the fairness of trials against Raúl Hernández Aundio, a member of OPIM in Guerrero, and of Ignacio del Valle Medina, Felipe Alvarez Hernández and Héctor Galindo Gochicoa, leaders of a local protest movement in San Salvador Atenco, Mexico State,
- N. whereas the occupation of the offices of the semi-official electricity company Luz y

Fuerza del Centro (LyFC) in Mexico D.F., by police agents in the middle of the night on 10 October 2009, in order to proceed to its liquidation for alleged "economic inefficiency", left almost 44.000 workers without a job, without prior notice and whereas this is in open contradiction to national legislation and ILO conventions,

- O. whereas opposition of local communities against mining areas because of over-exploitation of workers and ecological contamination, such as in Capulálpam/Oaxaca, is not taken into account by the authorities who continue to deliver concessions to large foreign mining companies, thus infringing ILO Convention n° 129 inter alia,
 - P. whereas the EU is associated to Mexico via a Global Agreement, a Strategic Partnership claims to have started a human rights dialogue,
1. Is appalled by the continuing deterioration of the human rights situation in Mexico, the lack of implementation of international human rights standards and the lack of commitment by the Mexican State to defend and support human rights;
 2. Calls on the Mexican Government to refrain from further militarizing the country, as it proven an inadequate means to fight against organized crime, and to withdraw the armed forces from public security tasks;
 3. Calls on the Mexican authorities to refrain from applying military jurisdiction in cases of human rights violations and bring them to civil jurisdiction, according to the sentence by the Inter-American Court of Human Rights in the case of Rosendo Radilla;
 4. Calls on the Mexican Government to comply with the recommendations of the Universal Periodical Review of the UN Human Rights Council;
 5. Calls on the EU to make the ending of impunity a top priority of its relations with Mexico; urges the Commission to use its Political Dialogue as well as its Dialogue on Human Rights with that country to swiftly agree with Mexico on effective joint efforts to strengthen civil jurisdiction, train police, lawyers and judges on human rights efforts; asks for an annual report on the accomplishments of the recommendations of this dialogue;
 6. Welcomes the findings of the Inter American Court of Justices in the case of the killing of women (femicide) in Campo Algodonero and urges the Mexican authorities to implement all of the pertinent recommendations, including medical and psychological care for the victims and the transformation of the discriminatory culture which is the main cause of these acts;
 7. Urges the Mexican authorities to effectively implement the 2007 General Law on Access of Women to a Life free of Violence in all regions and to provide adequate funding and trained prevention, police and juridical personal, and to specifically contemplate to put into place the gender alarm;
 8. Urges the Mexican authorities to fully reinstate the rights of women, according to the resolutions of the Supreme Court of Mexico of August 2008, which recognized the constitutional conformity of the abortion laws in Mexico City, to protect throughout the

Mexican territory the health of pregnant women and their reproductive rights according to international human rights standards and to set those women free who are in prison or before trial for abortion;

9. Calls on the EU to effectively implement the EU guidelines on human rights defenders as well as the external dimension of its guidelines on violence against women and girls and combating all forms of discrimination against them;
10. Urges the Mexican authorities to investigate all allegations of harassment and intimidation of human rights defenders looking at the overall patterns of incidents and not treat each one of them in isolation;
11. Urges that Mexican federal, state and municipal police officers involved in serious human rights violations, such as arbitrary detention, torture, rape and unlawful killings, particularly those committed during civil disturbances in San Salvador Atenco in 2006 and in Oaxaca City in 2006 and 2007, be investigated and brought to justice;
12. Calls on the EU to translate the EU Comprehensive Approach for the Implementation of UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security into concrete action, integrate human rights organisations in Mexico into the decisions on the implementation and underpin the effort with adequate funding;
13. Calls on the EU and its Member States to join efforts at the level of their diplomatic representations in Mexico and develop a cooperation scheme against impunity and as well as against sexual violence;
14. Calls on the EU Commission to restrain from application of the evolution clause in the EU-Mexico Global Association Agreement in order to further develop the cooperation in agriculture, services and investment, as long as there are no perceptible improvements in the current human rights situation in Mexico;
15. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary General of the Organisation of American States (OEA), the Parliament and the Government of the Republic of Mexico.