



House of Commons
CANADA

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

SDIR • NUMBER 014 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, May 11, 2010

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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1320)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Okay, we're in session and in public. I'll remind members that we are also televised.

Our witness today is Luis Arriaga, the director of the Miguel Agustín Pro Juárez Human Rights Center. Before I invite Mr. Arriaga to begin his testimony, we are starting late due to a fire alarm, so I will allow the committee—unless there are objections—to run until ten minutes past. That will allow enough time for a round of decently long questions to our witness.

I now invite Mr. Arriaga to begin his testimony.

Father Luis Arriaga Valenzuela, S.J. (Director, Miguel Agustín Pro Juárez Human Rights Center) (Interpretation): Good afternoon, members of the committee on human rights. It's a great pleasure to be here with all of you.

My name is Luis Arriaga Valenzuela. I'm the director of the Miguel Agustín Pro Juárez Human Rights Center. It's a civilian society created in 1988 by the Society of Jesus in Mexico. Its role is to defend and promote human rights of persons who are excluded or vulnerable, particularly indigenous peoples, migrants, victims of social repression, and women.

I would like to deal with two matters that appear to be extremely important within this context. My main concern is with what is happening in Mexico. I will talk from the point of view of human rights—not from a liberal individualistic point of view, but in terms of the activities those of us who are dedicated to the defence of human rights carry out, with a firm option for those who are vulnerable, in terms of their dignity.

As far as justice is concerned in Mexico and Latin America, there have been a number of reforms to the justice system in different countries in order to guarantee the rights of all people. These have been carried out to grant certainty to investors, upon creating an appropriate framework for the defence of property and the fulfilment of contractual obligations.

With the reforms, some deficiencies have been corrected. This has been good, because it establishes conditions to avoid arbitrary action by authorities. Unfortunately, as a result of these reforms there are elements that are risks to human rights. In Mexico there are two situations that concern us greatly. First is the existence of the uprooting that is sort of a preventive prison that can be expanded to a

period of 80 days. Those who accuse these people collect evidence; in other words, they detain people without having proof of their guilt, just suspicions.

The other definition of organized crime allows arbitrary use of the justice system, particularly against those who become organized and protest and demand their rights. If an authority decides beforehand that someone is part of organized crime, the person is denied the most basic rights. It appears that everything is allowed, with a view to guaranteeing stability within the country.

We have just confirmed this in a very recent case at our centre. It was dealt with at the Supreme Court of Justice. Two women were accused of having kidnapped six police officers from the federal investigation office.

Another subject I would like to deal with is public safety. In different ways we are warned today that security is no longer one of the main issues for all countries, their governments, and agencies, particularly where financing is concerned. So we define and redefine what the threats are: natural disasters, terrorism, organized crime like guerrillas used to be, communism, and the destruction of civilization. We cannot deny that there are real threats to life and the integrity of persons; however, it is not legitimate to make security an idol, where we can sacrifice the lives of people who are considered to be not necessary.

In Mexico there is a war on drug trafficking, and the security policy is reduced to this. On behalf of this we refer to collateral victims, or human lives that have to be sacrificed because of political goals or stability.

• (1325)

Under these circumstances human rights are absent. The war-like action of the current security policy is inefficient, and this is obvious, although in an alarming fashion. We can see, as a result, the great number of violations against human rights committed by military officers who participate in current government operations against the drug trafficking, and to this we can add the lack of will with a view to establishing civilian controls over the armed forces.

In Mexico there is military control that is anti-constitutional, and the military officers judge themselves when they violate human rights. These are also offences that should be judged by the pertinent civilian levels or authorities.

Lastly, I will deal with the defenders of human rights. In the current situation of violence—the characteristics of which are not only incidental but structural, as a result of precarious institutionalality and the lack of will in order to put an end to the impunity—the poor, obviously, are those who are most affected. But most of all, the poor will become organized in order to demand their rights and to break the actions of the powerful and those who act in solidarity with their causes.

In these battles we know them as the defenders of human rights, irrespective of the conditions in which they carry out their work.

But for them, over the past few years there has only been aggression that has taken place or behaviours that block their work in solidarity. Among those, we have those who were detained because they helped out the migrants who were opposed to the police. They have been jailed, and there are those who stay in jail because they demand basic rights of land, water, air, freedom, in keeping with certain social movements of protest or struggle, and their clamour can be heard.

We have those who have been physically and psychologically attacked, have even been murdered or assassinated because they go against the rights of their community. A lot of them have been assassinated on behalf of progress in a society that remains indifferent to their demands.

In this regard, at the human rights center we would like to express our solidarity, and we believe that what has been stated so far is just an outline of what is actually occurring in Mexico through these voices, the voices of those who are clamouring for their rights and the commitment of those who responded to the call that is coming from below.

The Prodh center represents those who want to be faithful, and it has been created to have a fairer society where it is possible to achieve dignity on the basis of the integral defence of cases of violation of human rights.

Latin America, so well known because of its magic realism, but so much feared by its real inhabitants, is a region that is important. But often the answer will not come from solutions from the outside. In fact, the reconciliation and the land itself continue to concern us. It's the same land for everyone who lives in it, without forgetting that it's not only the land and the reconciliation, but basically, there are also the faces of so many brothers and sisters who invite us to make of this world a territory that can be inhabited, where we can eradicate all those who are evil.

Thank you very much.

• (1330)

The Chair: *Gracias.*

We now turn to the rounds of questions. It's almost exactly 1:30, which means we have 40 minutes to work with, and that divides itself up nicely into four ten-minute sections. I'm going to be a bit ruthless in cutting off the questions and answers at the end of ten minutes to ensure that nobody is deprived of their ability to ask questions.

We start with the Liberals, and you can divide your time among yourselves any way you want.

Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you, Mr. Chair. We'll divide our time with Mr. Cotler.

Thank you very much for your presentation.

I want to touch upon the ever-growing issue that we keep hearing and reading about in the media, and that is crime related to drug trafficking in Mexico and how the government is responding to the issue of narco-trafficking and the crimes related to the processing of drugs. There have been some instances when the government has been using the military to deal with the issues of trafficking and drug dealers, and the violence that comes out of that narco-traffic situation.

A lot of it has to do with the fact that there was no trust in the local police as well, because a lot of local police had been bought off by some drug cartels and certain drug dealers. So there is a huge challenge for the government in how to deal with that issue. I know the issue is extremely complex. There aren't really any simple answers here, but maybe you can tell me whether bringing in the military was a wise decision. I think what I am hearing from you is that it has actually made the situation worse. I'm not sure what the alternative would be for the government when the local officials have also been bought off by the drug dealers.

Father Luis Arriaga Valenzuela, S.J. (Interpretation): A year ago we presented a report on abuse committed by the military during the tenure of Felipe Calderon and we carried out some updates, which I think are important. In 2007 we had 54 cases of military abuse. In 2008 the number increased to 119 cases of abuse. In the first quarter only of 2009, it rose to 115 cases.

What is the basic problem here? On the one hand, the increase in cases of abuse committed against the civilian population is due to the number of military officers deployed throughout the territory. But it is also due to the impunity of the military, because they know very well that they can commit these types of abuse without any consequences.

Here, as you say, it is necessary to review the strategy and to put forward a new strategy that is rational and respects human rights. We want security or safety, but not at the cost of basic rights. The federal government has announced that it's going to change its strategy. I think the basic problem here, as you have stated, is that the starting point is erroneous. This is the concept of safety in Mexico from the point of view of war-like activity. In other words, there is a discourse that repeats itself over and over, and it refers to combat or to the war against drug trafficking. Any war is irrational.

In this regard, we have pointed out—it is the executive who have pointed this out, as well as officials who attempt to convince us of the serious risks involved—that these elements render obvious a very simplistic idea as to what is actually happening in Mexico, particularly the conditions that make it possible to commit offences in our country. Violence cannot be attacked with more violence, yet this is exactly what is happening in Mexico. There's also a certain reduction of crime, and it just applies to certain crimes. I think that's also a basic problem.

The war-like system cannot provide such a simplistic solution to the aggravating factors. If these measures are conceived without properly thinking about them or without considering them within the perspective of human rights, it causes serious consequences for people. We do not agree with the statement that they are collateral damage. The people are harmed.

• (1335)

Hon. Irwin Cotler (Mount Royal, Lib.): I have two short questions, Father Arriaga.

Mexico recently completed its first review under the universal periodic review of the UN Human Rights Council. What were some of the principal recommendations made in this process? Has Mexico implemented them? That's the first question.

Secondly, what role could Canada and Canadian parliamentarians in particular play with respect to assisting Mexico in regard to the human rights situation today?

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Thank you very much for your questions.

The Mexican government is available with respect to economic integration and is ready to cooperate so that the Estado de México can be assessed by international bodies on the fulfillment of these obligations in the area of human rights.

We have been consolidating the universal system that you've mentioned, as well as the periodic universal mechanism that the UN has, the regional system, which is the inter-American human rights system, and new mechanisms that have come up in the universal system. The one that is most well known is the periodic universal exam. In 2009 this review was applied in Mexico. We have also strengthened special procedures, as well as other procedures.

Another matter I would like to deal with is that many of the recommendations made by the States to the Mexican government had to do with the restriction of military jurisdiction. What am I referring to? I'm referring to the restriction of the military to matters relating strictly to military discipline and that it not be applied to cases of violation of human rights.

What happens in Mexico when a person undergoes a violation of human rights by a military officer? Invariably, this comes under military jurisdiction, which allows the military to judge themselves, and then there's a grey area in terms of access to justice for the victims. In terms of human rights, it doesn't allow them to have access to a tribunal that would be independent and impartial, as per article 8 and article 25 of the American Convention on Human Rights.

I think Mexico has the possibility of dealing with international bodies, and as a result of its activism presents in reality two faces: one is for the international community, and there is one that we know very well in terms of what goes on within the country. This international image has been fading. I think the international organizations have contributed to this.

We would like pressure to be exerted on the Mexican government so that it subjects itself to the rules of democracy and the rule of law and has efficient mechanisms for accountability and that they subject military officers to civilian cases in the event they commit violations

of human rights on civilian persons. I think it's important in this regard to have pressure exerted by the Canadian government.

Thank you.

• (1340)

The Chair: Thank you very much.

We'll go next to Monsieur Dorion.

[*Translation*]

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Thank you, Mr. Arriaga, for agreeing to testify before the subcommittee.

One issue that has generated a lot of emotion and that the media has focused on, even though there has been less talk about it in recent months, is the murder of women in the Ciudad Juárez region. I wasn't there at the time when the subcommittee held meetings and even reported back on the situation. Can you give us a status report on the situation in that region? Are women still being murdered at the same rate? Is the government taking effective action to deal with the situation?

[*English*]

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Thank you very much.

Last year the Mexican state was condemned by the cotton field cases and the assassination of women in Ciudad Juárez. It seems to us that there's a great debt towards these women. It wasn't just the women in Juárez, but also many other women who have been victims of torture and violence committed by the state.

I don't think violence against women has been fully eradicated, and they haven't provided appropriate mechanisms so that the victims have access to their rights, so that victims such as these women or their families have access to justice.

I think here it might be appropriate to mention the case of eleven women whose representation is done by the centre that I represent, eleven women who four years ago were tortured in San Salvador Atenco. They were raped by members of the police force, and up until today there hasn't been a single policeman accused or found guilty for this.

The case is now before the Inter-American Commission on Human Rights. The State of Mexico was already apprised of this, and to date these women continue to await justice for the torture to which they were subjected.

[*Translation*]

Mr. Jean Dorion: Are you referring to the women who testified and who protested? I don't believe members of the police or of the military were responsible for murdering all of these women. Isn't that so?

I believe other civilian organizations also resort to torture and murder. Can you describe these organizations to us and explain why they resort to murder?

• (1345)

[English]

Father Luis Arriaga Valenzuela, S.J. (Interpretation): I believe that although the state may not be responsible for many of these homicides, it is, however, responsible for providing clarity on the facts, so that the truth of the facts become known, and in order to ensure that there's an impartial, professional, and efficient inquiry and that those responsible are punished. This is an international obligation that all states have in accordance with the international commitments that they have acquired over time in regard to instruments involving access to justice.

Regarding your question about the violence that exists against women and the causes of this violence, I believe it is very important to fully state that these two occur in states where there are greater social inequalities and greater social imbalances. The majority of Mexicans live in poverty, and I think this issue perhaps is at the origin of violence against women, which we see not just at the level of these killings and homicides but also expressed in other diverse forms.

[Translation]

Mr. Jean Dorion: Last April 8, the Mexican Senate approved a number of constitutional reforms in the area of human rights. What impact does your organization think these reforms will have in Mexico? Are additional reforms needed to safeguard human rights?

[English]

Father Luis Arriaga Valenzuela, S.J. (Interpretation): That's a very good question. I'm very pleased that you're asking it, because it is so important.

Indeed, in 2008 there was a judicial reform. We've celebrated some of the progress of this reform. We feel that it is quite positive that we have an accusatory system that is adversarial and based on oral evidence. It's set up and today it's going through a transition period. We've eliminated the situations that were very absurd because people were held for three days after committing a crime. There is something very positive here, where we see the creation of what we call investigatory judges, who come and ensure that there's a lawful investigation and that the public prosecutor is taking actions that can be reviewed by a different authority from the one making judgment regarding the person who is accused of a crime. I think this is some progress.

We've also seen progress in public defence, which now is aiming at quality defence, precisely in a country where the justice system has opted to bring to trial the poorest of the poor, who have no recourse to defend themselves legally. It's very important that we have guarantees to a fair trial. This is something that is recognized in the constitution as well as in other international instruments, such as the presumption of innocence, the right to remain silent, the principle of lawful evidence, and the right not to be tortured. These rights have already been recognized in the constitution.

Of course, some of these need to be complied with. There are some aspects that also have to be corrected. In that sense, I believe that we see the word *arraigo*; I cannot find a translation for this, but it is the practice of being detained. When you fight organized crime, what happens with this...well, I detain you and then afterwards I will

investigate you. So this is an irrational function and of course is harmful to the presumption of innocence and to personal freedom. In actual fact, this is a retrogressive step. This is a halfway reform, if you wish, that needs to be further recognized.

Another process in the reform you've referred to, Mr. Dorion, is the preventive detainment of individuals who are accused of belonging to organized crime, which, as we have already pointed out in the Centro Prodh, creates two penal systems. In one system you recognize the fundamental rights, which I've already referred to, such as presumption of innocence, the right to stay silent, legality of the evidence, and so on. But there's another right where we see no margin—in other words, everyone who perhaps makes a judgment based on their own personal feelings that somebody is not worthy of respect. This is something that we've already seen in the case of two women who were discriminated against for the simple reason that they were indigenous and were poor. They were victims of the justice system. They were accused of having kidnapped six agents of the federal investigation corps, which is the equivalent to the FBI, say, in Mexico.

• (1350)

So that's what I have to say about the administration system and the justice system, which have some shortfalls. We hope, of course, that we will be able to achieve some progress in states such as Nuevo León, Chihuahua, Oaxaca, and the State of Mexico. Of course, all of this reform is very recent and we feel it's important to say that we still need to be able to fully assess and evaluate the scope of this reform and the reform already undertaken in other states.

There are some elements, which I've already referred to, which we feel to be of some concern.

The Chair: Thank you.

I allowed that to go on for about a minute beyond the allotted time because it seemed a very fulsome answer.

Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Chair, I do appreciate your doing that, because as you say, as the information flows we take advantage of that situation.

Señor, welcome here today.

As I was listening to your first presentation, you talked about the language of war, like the war on drugs or the war on terror. It's my belief that around the world, in the name of these so-called wars, there's a lot of collateral damage—innocents who are killed. Again, the impunity of the military there is of grave concern.

So I'd ask a very direct question. Are there, in your opinion, military or paramilitary groups committing murder in your country?

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Yes. There are previously documented cases of these violations of human rights. Of course, we have cases of homicides that are well documented. I can hand them over to you, if you wish. There are a number of reports we've carried out, and which allow people to see that the strategy of having the army out in the streets is perhaps not the most appropriate. This gives a very bellic image, a very war-like, hard-handed front, just as you see in war itself. Therefore it becomes quite easy to justify any excess. The so-called success actually seems to mean that any means can be justified, which may be an absurd dream in achieving the final objective.

In fact we're not dealing here with collateral damage, as they have stated. We're dealing here with human beings who have suffered damages to their dignity. This disdain, this pretension of trying to reduce it to collateral damage, is the same thing as saying that human rights really do not exist when you're involved in a war. For us, this kind of statement is of great concern. It seems to us that there is a very simple logic here: there's a war and therefore all means are good so that the combatants can win. We feel that this is very dangerous. The band that qualifies itself as being on the right side feels that it is legitimized and therefore authorized to commit any type of arbitrary action. This is of great concern to us.

It seems to us all the more bothersome because the cases of human rights violations haven't been resolved. There are many cases where we see the military have committed violations of human rights, who are judged in military tribunals, but the victims themselves do not have any access to justice. There's been only one case where one member of the military was imprisoned for nine months for having committed a homicide. In most other cases, there's been no conciliation at all.

This year three cases will be going before the Inter-American Court of Human Rights. At the inter-American system these are three very important cases. Two of them involve two women who were tortured and raped by soldiers from the army. These are two indigenous women. Another one is a case of two environmentalists who, because they denounced cutting the forests in Tultitlán, were incarcerated and tortured by the army. We hope these three cases will see a favourable resolution in the court, and that the inter-American court will allow the sentencing by the Mexican state and order them to improve their legislation so that they will allow civil tribunals to judge violations of human rights caused by the military.

Thank you.

• (1355)

Mr. Wayne Marston: We get the CNN version. We see the gangland-type slayings of people in the street. When you see that, you ask yourself how many are innocent bystanders. We had a case in Montreal a number of years ago in which a young boy was killed in a bombing between two motorcycle gangs.

I'm just curious, have they used intimidating tactics against you or your centre? I see you've produced a booklet that details human rights violations, and you talk very passionately. I'm sure there's some attention being drawn to you by that.

Father Luis Arriaga Valenzuela, S.J. (Interpretation): On the subject of the defenders of human rights, we believe that it's important to put it out on the table. When faced with situations that

are serious violations of human rights, there should be no silence and no resignation. We believe there are groups and individuals involved in human rights who are devoted to building dignified conditions for people to live in, to really live well, as the Universal Declaration of Human Rights says—in other words, to live freely from fear and poverty, in the full enjoyment of their fundamental rights. So the attitude of the defenders is very much needed. We also need people who will dissent, if we really want to reach democracy.

But there are many barriers and obstacles to the defenders of human rights. Their positions and the voices with which they demand their rights are easy reason to disqualify them when they're presented as undesirables—in other words, people who actually are harmful and constitute a risk to the country. We saw this happen last year in October. The United Nations High Commissioner for Human Rights in Mexico presented a report called "Human Rights Defense: Between Commitment and Risk". This report pointed out the violence that the defenders have been subject to and the various obstacles or barriers that have been raised. I think in this sense I agree with the approach taken by the Office of the United Nations High Commissioner for Human Rights. In other words, being a defender is a high-risk activity.

We also see with great concern that aggressions on the defenders are not sufficiently or appropriately investigated by national authorities.

• (1400)

The Chair: You still have one and a half minutes left.

Mr. Wayne Marston: That's amazing. I'm quite thrilled with that thought.

I want to congratulate you on the work you do. Obviously, no matter how quiet you are about it, there's a veil of intimidation over human rights activists in many countries.

We have been seized in this committee with our own periodic review of Canada. One of the issues that has been raised by our civil society is around how civil society can deal through and with the government in response to the review that comes from the United Nations. I'm wondering if in Mexico there's any cohesive strategy or if any of the civil society groups and government are working together on the response to the periodic review.

Father Luis Arriaga Valenzuela, S.J. (Interpretation): I think we've tried to ensure that the recommendations made to Mexico be implemented. The problem with what happened in Mexico is that the recommendations regarding military jurisdiction were not accepted by the state of Mexico. Therefore, we believe that there are no adequate conditions in order to follow up on recommendations that have been made and haven't been accepted.

On the other hand, I also believe that each country has its own mechanisms for follow-up. I'm not here to speak to the public policies or the legislation that applies to the Canadian people. That's not part of my task. My task is limited to the Mexican state. I believe that a solution for many of these issues is dialogue that can exist between civil society and the members of the government—as long as, of course, basic conditions exist.

The Chair: Thank you very much.

For the Conservatives, we'll start with Mr. Hiebert, and then we will follow up with a question from Mr. Sweet.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

Thank you for being here today.

As I review the centre's documents, I see a theme I'd like you to comment and elaborate on a little bit more, if you could. I'll just read a couple of brief quotes.

One states that "The army operates without meaningful control by civilian institutions". Elsewhere it reads that "under Mexico's Constitution, military courts do not have jurisdiction in these cases, but due to the power of the military, the civilian authorities give up their jurisdiction and allow the military prosecutors and courts to take charge."

In a third document, a report from your centre, it states:

The glaring lack of civilian control over the armed forces, in particular the unconstitutional use of military jurisdiction to investigate human rights crimes, and the increased militarization of cities and communities has led to more impunity. This impunity conceals increasing abuses committed by military forces against civilians, as the current system does not allow independent and impartial authorities to investigate

Clearly, there is a theme here of the military not being subject to constitutional oversight by civilian authorities. I'm wondering how that has been allowed to happen. And what can be done to change that to allow the civilian authorities to regain their proper position?

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Last year, in August 2009, we presented a case, which occurred prior to 2009 but came to the higher court in August 2009, to deal with the issue of military jurisdiction. In other words, it was to place limits on military jurisdiction.

The Supreme Court, in a divided vote, decided not to consider the substance of the case. The Prodh Centre had requested that article 57 of the Military Code of Justice, which allows the military to sit in judgment of itself, be declared unconstitutional. The court refused to do it. In fact, the vote was divided. Five ministers said yes, they should do an in-depth study, and six said no, we won't go in depth into the issue. So they didn't.

There are eleven ministers who form part of the Supreme Court. Obviously, the vote was not unanimous, and I think this gave rise to the fact that we saw more public discussion, in addition to the recommendations that came from the international organizations.

We must remember here that Human Rights Watch and Amnesty International put out four reports in this regard. The subject, therefore, hasn't been concluded, and discussion will continue. In the meantime, the situation is going to have to change. Very specifically, article 57 of the Military Code of Justice, which doesn't allow victims to have an independent and impartial court, will have to be reformed. I think that's the very essence of the subject.

It doesn't mean that we, the human rights organizations, are against the army. That's not the point. The point is that the army has to submit itself to the rules of a democratic state. And having to submit to the rules of a democratic state means that they have to be accountable. It means that they themselves cannot judge cases of

violations of human rights. They have to be judged by an independent tribunal. In that sense, it's very important that this issue also be dealt with in a wider sphere, say at the international level, so that a step forward can be made for democracy.

• (1405)

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): I want to thank you for your good work.

I would like to ask whether you have, in Mexico, access to senior government officials to plead the cause of those individuals you're defending.

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Yes. We are an organization that has advocated through the institutional routes. In other words, we assume cases of violations of human rights and we advocate so the Mexican courts will give us access to justice. Yes, in that case we advocate for a strategy in litigation, making use of the highest standards of protection in human rights, making appropriate use of arguments and instruments that the constitution and legislation in Mexico provide us. That's why we advocate along these lines.

We also believe in dialogue, which should be constructed in a healthy and respectful manner between the government and civil society. We advocate for this. The problem is that on occasion there's no adequate situation to favour this type of dialogue. That's why we believe this dialogue should also be done with objectives that are clearly defined in terms of democracy and not just spaces where reflections can be exchanged without achieving any progress.

Mr. David Sweet: I wasn't certain, specifically on your answer as far as a universal periodic review, but I think I heard you say there was really no response by the Mexican government to the recommendations in the review. I take it that in your dialogue with the government their justification for the continued militarization is because the local authorities, the municipal authorities, police, are not strong enough, they don't have the resources.

Have you seen some good-faith movement on the part of the Mexican administration to bolster the local police so the need for this huge militarization is diminished? Do the local police in your municipalities fall under civilian oversight?

• (1410)

Father Luis Arriaga Valenzuela, S.J. (Interpretation): I'm going to answer the first part of your question.

After evaluating the recommendation on the 10th of February universal periodic review done in Geneva, attended by a representative from the State of Mexico and civil society representatives—the universal review was headed by the Secretary of the Interior—the Mexican state had an interactive dialogue with other members of a council in which 54 delegations participated. The member states of the council formulated 91 recommendations to the Government of Mexico. One of them dealt specifically with the use of military jurisdiction. I've already referred to it, and I don't want to repeat the same things.

After reviewing the recommendations, the Mexican delegation committed to adopt the necessary measures to comply with 83 of the 91 recommendations put forward, including the ones dealing with legislative harmonization—in other words, implement legislative measures to harmonize everything that is contained in international treaties that deals with non-discrimination, violence against women, judicial reform, and so on. But they reserved on another eight recommendations, which had to do with these issues of military tribunals, and these dealt mainly with ensuring that civil courts trump military courts. This has to do with item number three.

Insofar as the recommendations that were put out, I think the universal periodic review was a very important opportunity for your civil society organizations to ensure that visibility was given to the work we do and advocate for progress within wide-ranging issues involving human rights in Mexico. We regret that these eight recommendations were not accepted, because they're highly relevant within the context in which we are living right now.

What was your second question?

Mr. David Sweet: The second question, Father Arriaga, was regarding the local police and whether you see some good favour on the part of the government to reduce the militarization.

Father Luis Arriaga Valenzuela, S.J. (Interpretation): Yes. The point here is that as of the entry of Felipe Calderón as president, the military—where the public is concerned—has always been considered a temporary sort of thing, but we have never been told when the army is going to withdraw from the streets. What we see here is that far from increasing the capacities of police officers, we see greater involvement of the military in public safety, but also in the civilian sector. This is of concern to us.

Just recently there was an action plan that was presented for between five and ten years by the head of the armed forces so continuity would be given to the participation of the army in the battle against drug trafficking. What we see here is that in order to strengthen this participation—that is, to give legal status to a function that de facto is carried out by the army in tasks that apply to it.... As you've said, they apply to police officers.

In this regard, we have encouraged that emergency legislation be presented so that we can ask new questions. First of all, is there a clear strategy? It's a delicate matter, but ten years, for example, might

be an exception, because the plan was set out for ten years and we have seen that there haven't been substantial improvements, as far as training of police officers is concerned. We don't have efficient police officers who can appropriately fight organized crime.

How much time will it take to consolidate an appropriate strategy, a broad strategy, by means of which there will be true participation of the citizens, to go from public security—which is conceived as a state matter—to security or safety that's also in the hands of the citizens, with open dialogue between the police officers and the citizens? It seems to me that this is a pending task.

There has not been a consolidation of police bodies in an efficient fashion. The time period set out in this package that has just been presented not only indicates a lack of information about the situation, but the hope to make something temporary into a permanent situation. This appears to be very risky for us, because to approve of this—a permanent interference of the military—could bring about as a consequence greater or more violations of human rights.

Here also the question is, can we fight against illegality from the point of view of illegality? At least this is the way we have seen this, due to the number of violations of human rights committed by military personnel. We have documented this. Also, the National Commission for Human Rights has done this. What's most serious is that these measures, as well, do not apply to a democratic society.

• (1415)

The Chair: My apologies, but we are actually out of time. Question period has started, so I'm going to have to conclude things here. I apologize for this. This is the longest we've ever gone.

I'll just mention briefly, in thanking Father Arriaga, that he is accompanied today by Mary Jo Leddy. Although we didn't have any questions for her, she is a distinguished human rights advocate in her own right, and I wanted to acknowledge her presence.

I thank all of you very much for being here and for your patience. I thank in particular Father Arriaga for coming and providing us with such excellent testimony.

Thank you very much.

The meeting is adjourned.

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