



**OPEN LETTER: Respect for human rights and reparations to the victims should be addressed during the visit of the Mexican President to the Netherlands**

Mexico City  
May, 4th 2016

The Honorable Mark Rutte  
Prime Minister, Minister of General Affairs  
Ministerie van Algemene Zaken  
Binnenhof 19, Postbus 20001  
2500 EA Den Haag  
Netherlands

Dear Prime Minister,

We, as signatory organizations working for the protection of human rights in Mexico, write to you to respectfully request that, during the **coming visit of the Mexican President Enrique Peña Nieto to the Netherlands**, the Dutch authorities address the alarming human rights situation currently taking place in Mexico. In this letter, we present a description of the current crisis and our requests to the Dutch government. As an important economic partner to Mexico and a historically strong supporter of human rights, we believe that the Dutch government has a moral duty to address the grave human rights violations occurring in the country when receiving the Mexican delegation.

Last year, the United Nations (UN) High Commissioner for Human Rights and the Inter-American Commission of Human Rights confirmed the **grave human rights crisis** currently taking place in Mexico after their respective visit. They also agreed that the rife insecurity, violence and impunity, as well as alarming statistics on murdered, disappeared, internally displaced and tortured persons

are a cause for **extreme concern**. This is especially worrying considering that the country is not involved in any recognized armed conflict.<sup>1</sup>

## SERIOUS HUMAN RIGHTS VIOLATIONS

Below are some figures that illustrate the state of the crisis and the generalized increase in **serious human rights violations** throughout the country. **Torture** is generalized in Mexico, and it is systematically used as a means of punishment or investigation by the police or the armed forces.<sup>2</sup> Between 2006 and 2014, the Attorney General's Office received 4,055 complaints of torture, of which 1,273 denounced military personnel.<sup>3</sup> There are currently 28,161 **disappeared persons** in the country, many of which are attributable to public servants in the context of current security policies.<sup>4</sup> This number does not include the 797 cases of enforced disappearances that were committed during the 1960s-80s '**Dirty War**', which remain unsolved and unpunished.<sup>5</sup> Between 2006 and 2012, 70,000 **murders** were related to the war on drugs.<sup>6</sup> Responsibility for most of these grave violations are attributable to the **armed forces** in the context of hardened security policies since the onset of the war on drugs.<sup>7</sup>

To name just a few examples, **during President Enrique Peña Nieto's administration**, 22 people were victims of **arbitrary execution by military personnel** in the state of Mexico; 43 students were victims of **enforced disappearance** in the state of Guerrero; 17 **journalists were assassinated** because of their journalistic work; and at least 50 people were **murdered at hands of the Federal Police** in the state of Michoacán last year.<sup>8</sup> Five municipalities in the country were rated within the **50 most violent cities** internationally;<sup>9</sup> and to date, an estimated 287,358 people have been victims of **forced internal displacement** because of the generalized violence.<sup>10</sup>

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<sup>1</sup> Organization of American States, Inter-American Commission of Human Rights, *Preliminary Observations on Visit to Mexico*, No. 112A/15 (2 October 2015); UN Office of the High Commissioner for Human Rights (Zeid Ra'ad Al Hussein), *Statement on visit to Mexico* (7 October 2015).

<sup>2</sup> See various reports by UN Specialized Bodies: Reports of the Special Rapporteur on Torture, 1997 (E/CN.4/1998/38), 2004 (E/CN.4/2004/56/Add.3) and 2012 (A/HRC/28/68/Add.3); Concluding Observations of the Committee Against Torture, 2012 (CAT/C/MEX/CO/5-6); Report of the Subcommittee for the Prevention of Torture, 2010 (CAT/OP/MEX/1).

<sup>3</sup> Nexos. *Tortura y la ley*. 1/03/2016. Available here: <http://www.nexos.com.mx/?p=27769>

<sup>4</sup> National Registry of Missing or Disappeared Persons. Retrieved on 09/03/2016 from: <http://secretariadodjejecutivo.gob.mx/rnped/consulta-publica.php>

<sup>5</sup> UN Human Rights Council (HRC). *Mission to Mexico: Report of the Working Group on Enforced Disappearance*, A/HRC/19/58/Add.2 (20/12/2011).

<sup>6</sup> UN HRC, *Mission to Mexico: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (Christof Heyns)*, A/HRC/26/36/Add.1 (28 April 2014), para. 11.

<sup>7</sup> IACHR, *Preliminary Observations*, 2015; UNOHCHR, *Statement on visit to Mexico*, 2015; UN Human Rights Council, *Mission to Mexico: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Juan E. Méndez)*, A/HRC/28/68/Add.3 (29 December 2014).

<sup>8</sup> IACHR, *Country Report: Mexico*, OEA/Ser.L/V/II.Doc.44/15 (31 December 2015); Artículo 19, *Story of murdered journalists in Mexico* (January 2016).

<sup>9</sup> The Citizen Council for Public Security and Criminal Justice. *'The 50 most violent cities in the world'* (2014). Available here: [http://www.seguridadjusticiaypaz.org.mx/lib/Prensa/2015\\_01\\_20\\_seguridad\\_justicia\\_y\\_paz-50\\_most\\_violent\\_cities\\_2014.pdf](http://www.seguridadjusticiaypaz.org.mx/lib/Prensa/2015_01_20_seguridad_justicia_y_paz-50_most_violent_cities_2014.pdf)

<sup>10</sup> Nexos. *Desplazados por violencia. La tragedia invisible*. 9/03/2016. Available here: <http://www.nexos.com.mx/?p=27278>

## MIGRANTS' RIGHTS

The **rights of migrants in transit and asylum seekers** are also violated on a daily basis in Mexico, either by civil servants that systematically detain them or by organized criminal groups working in complicity with the authorities. The complaints that migrants' organizations have been lodging since 2004 culminated in the massacre of 72 migrants in San Fernando, Tamaulipas, in 2010. This tragedy was followed by the discovery of mass graves in Tamaulipas and Durango in 2011, and the discovery of 49 human torsos in the state of Nuevo León – states that migrants usually cross on their way to the United States.<sup>11</sup> As Europe, including the Netherlands, is also currently facing a serious migration crisis, this theme should be included in the dialogues between the Dutch and Mexican governments in order to find solutions to the respective migration issues.

## VIOLENCE AGAINST WOMEN

Another alarming issue in Mexico is that of **violence against women**. According to UN Women, Mexico is the 16<sup>th</sup> country with the highest murder rate of women worldwide, with an average of six murders per day.<sup>12</sup> This worrying situation led to the declaration of a 'Gender Alert' in the state of Mexico last year, after thousands of women and girls have been murdered and disappeared in the past decade.<sup>13</sup> Women are also highly vulnerable to **sexual torture** in the country, which is a highly prevalent practice in the first stages of detention.<sup>14</sup>

## BUSINESS AND HUMAN RIGHTS

Recently, the Netherlands and Mexico have stepped up their **trade and investment relations**, especially through an intensified agreement on energy cooperation. The Netherlands is Mexico's second largest source of foreign investment, with practically all Dutch multinationals having a branch in Mexico.<sup>15</sup> These agreements were facilitated by recent **economic reforms** in Mexico, especially the 2013 Energy Reform, which have opened the market to foreign companies and promoted extractivism.<sup>16</sup> As civil society organizations, we have observed the **negative impacts** of these reforms. Increased investments have led to an increase in human rights violations – especially in relation to indigenous peoples' rights to land, aggravated social tension and intra-

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<sup>11</sup> IACHR, *Country Report: Mexico*, 2015.

<sup>12</sup> UN Women, *Report: Femicide in Mexico* (2012); Observatorio Ciudadano Nacional del Femicidio, *2012-2013 statistics*.

<sup>13</sup> Excelsior. *Segob emite alerta de género para el Estado de México*. 31/07/2015. Available here:

<http://www.excelsior.com.mx/nacional/2015/07/31/1037779>

<sup>14</sup> *Report of the Special Rapporteur on Torture*, para. 28; IACHR, *Country Report: Mexico*, para. 247.

<sup>15</sup> Government of the Netherlands, *Relations between the Netherlands and Mexico*. Retrieved on 07/03/2016 from:

<https://www.government.nl/topics/international-relations/contents/mexico> ;

Ibid., 'Energy diplomat' posted to Dutch embassy in Mexico City. Retrieved on 07/03/2016 from:

<https://www.government.nl/latest/news/2015/09/03/energy-diplomat-posted-to-dutch-embassy-in-mexico-city>

<sup>16</sup> Excelsior, *Los 25 puntos finos de la Reforma Energética* (11/12/2013). Available here:

<http://www.excelsior.com.mx/nacional/2013/12/11/933202>

community conflicts, severe environmental damage, and the criminalization of activists and organizations that opposed these projects.<sup>17</sup> As such, we request that, during dialogues on trade relations between the Netherlands and Mexico, the Dutch government also addresses the responsibility of Dutch companies to respect human rights when operating extraterritorially, the inclusion of a human rights clause in trade agreements, and the implementation of the UN Principles on Business and Human Rights.

## IMPUNITY

The most worrying part about the violations described above is that practically all of them remain in **absolute impunity**. Impunity in Mexico is a structural and generalized problem: 98% of crimes in the country are not investigated, and only two final sentences for crimes of torture have been issued between 2005 and 2013 – despite the 4,055 complaints mentioned above.<sup>18</sup> Due to high-level corruption and the lack of judiciary independence, investigation and judicial mechanisms do not function appropriately and the government’s response has rather been to harden security policies and increase militarization.<sup>19</sup> Not only does this situation violate the rights of the victims and their relatives anew, but it also promotes the repetition of these crimes.

## GOVERNMENT’S RESPONSE

Despite the numerous diagnostics issued by various international organizations, and their consistent findings on the serious human rights crisis occurring in Mexico, the Mexican government continuously rejects their conclusions and recommendations. The government insists that the human rights violations denounced are isolated events, and it denies the responsibility of the armed forces in generalized abuses – despite evidence of their involvement in numerous cases.<sup>20</sup>

Even worse, instead of accepting the message and acting upon it, the government has adopted the counterproductive strategy of ‘shooting the messenger’. This is evident in various recent incidents. After the visit of the UN Special Rapporteur on Torture in 2014, the authorities published discrediting and insulting statements against him.<sup>21</sup> Such discrediting campaigns also occurred in relation to the visit of the UN Committee Against Enforced Disappearance in 2011, and that of the Interdisciplinary Group of Independent Experts for the case of Ayotzinapa. The Sub-Secretary for Multilateral Affairs and Human Rights even went one step further during the 31st regular session

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<sup>17</sup> IACHR, *Country Report: Mexico*, 2015.

<sup>18</sup> UNHCHR, *Statement on visit to Mexico*, 2015; *Report of the SR on Torture*, para. 32.

<sup>19</sup> IACHR, *Preliminary Observations*; UN Human Rights Council, *Mission to Mexico: Report of the Special Rapporteur on the independence of judges and lawyers (Gabriela Knaul)*, A/HRC/17/30/Add.3 (18 April 2011).

<sup>20</sup> SinEmbargo. *México se niega a reconocer la crisis de derechos humanos: Amnistía; “preocupa”, dice*. 17/02/2015.

<http://www.sinembargo.mx/17-02-2015/1253440>

<sup>21</sup> CNN. *Relator de la ONU defiende afirmaciones sobre tortura en México*. 11/03/2015.

<http://mexico.cnn.com/nacional/2015/03/11/relator-de-la-onu-defiende-afirmaciones-sobre-tortura-en-mexico>

of the UN Human Rights Council (29 February to 24 March 2016), where he openly questioned UN human rights mechanisms and discredited the validity of their reports.<sup>22</sup>

Within the country, human rights defenders and civil society organizations also face a bleak environment. Human rights defenders are highly vulnerable to criminalization and attacks as reprisal for their work. Civil society organizations frequently face discrediting and smear campaigns, such as the especially worrying statements published last month in the media.<sup>23</sup>

As a result, instead of acknowledging the current human rights crisis and improving access to justice for the victims, the government has recently strengthened the armed forces' presence in public security as a means to fight the reigning violence and insecurity – leading to further violence and human rights violations.<sup>24</sup>

## REQUESTS TO DUTCH GOVERNMENT

Considering the extremely worrying human rights situation that was portrayed above, we consider it **crucial that the Dutch government addresses the obligations of the government and the needs of the victims**, many of whom require international recognition and backing in the face of deep indolence on the part of the Mexican State. International attention to the current human rights crisis is a **crucial tool for internal change**, which has proved effective in the past.

The present signatory organizations recognize the work of the Dutch government in the **promotion of international humanitarian and human rights law**. As the **promotion of respect for human rights** forms an integral part of the **Netherlands' foreign policy**, and one of the priorities of the Dutch embassy in Mexico, we trust that Dutch officials will address this issue and encourage Mexico to honour its obligations under international human rights law.

We thank you for your attention and express our most distinguished consideration.

Sincerely,

**Asistencia Legal por los Derechos Humanos, A.C.**

**Asociación de Derechos Humanos del Estado de México (ADHEM)**

**Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México AFADEM-FEDEFAM**

**Casa del Migrante de Saltillo [Frontera con Justicia A.C.]**

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<sup>22</sup> Reforma. *Cuestiona SER labor de la ONU*. 01/03/2016.

<http://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?id=780859&urlredirect=http://www.reforma.com/aplicaciones/articulo/default.aspx?id=780859>

<sup>23</sup> GrupoFormula. *Relator hace laxo tema de tortura y se benefician con reparación del daño, insiste Miranda*. 8/03/2016.

<http://www.radioformula.com.mx/notas.asp?ldn=576357&idFC=2016>

<sup>24</sup> IACHR, *Country Report: Mexico*, 2015, para. 2.

**Centro de Crisis Casa Amiga A.C.**

**Centro de Derechos Humanos de las Mujeres (CEDEHM)**

**Centro de Derechos Humanos Fray Bartolomé de Las Casas, A.C.**

**Centro de Derechos Humanos Fray Francisco de Vitoria, O.P. A.C.**

**Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. (Centro Prodh)**

**Centro de Derechos Humanos Paso del Norte, A.C.**

**Centro Diocesano para los Derechos Humanos Fray Juan de Larios A.C.**

**Colectivo Contra la Tortura y la Impunidad A.C. (CCTI)**

**Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)**

**Consortio para el Diálogo Parlamentario y la Equidad Oaxaca A.C.**

**Dr. Rosalba Icaza, based at the International Institute of Social Studies from Erasmus University of Rotterdam**

**EQUIS: Justicia para las Mujeres A.C.**

**Hester Foundation**

**Idheas Litigio Estrategico en Derechos Humanos**

**Instituto de Justicia Procesal Penal, A.C.**

**Instituto Mexicano de Derechos Humanos y Democracia, A.C. (IMDHD)**

**JASS Mesoamérica**

**Paz en México**

**Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)**

**Red Mesa de Mujeres de Ciudad Juárez A.C.**

**Servicios y Asesoría para la Paz A.C. (SERAPAZ)**

**Servicios para una Educación Alternativa A.C. EDUCA OAXACA**

**Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todas y Todos”**(conformada por 79 organizaciones en 21 estados de la República mexicana): Agenda LGBT (Estado de México); Alianza Sierra Madre, A.C. (Chihuahua); Asistencia Legal por los Derechos Humanos, A.C. (AsiLegal) (Distrito Federal); Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (AJAGI) (Guadalajara, Jal.); Bowerasa, A.C. “Haciendo Camino” (Chihuahua, Chih.); Casa del Migrante Saltillo (Saltillo, Coah.); Católicas por el Derecho a Decidir, A.C. (Distrito Federal); Centro “Fray Julián Garcés” Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlax.); Centro de Apoyo

al Trabajador, A.C. (CAT) (Distrito Federal); Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A. C. (San Cristóbal de Las Casas, Chis.); Centro de Derechos Humanos Digna Ochoa, A.C. (Tonalá, Chis.); Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A. C. (Distrito Federal); Centro de Derechos Humanos "Miguel Agustín Pro Juárez", A. C. (Distrito Federal); Centro de Derechos Humanos "Don Sergio" (Jiutepec, Mor.); Centro de Derechos Humanos "Fray Matías de Córdoba", A.C. (Tapachula, Chis.); Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Gro.); Centro de Derechos Humanos de las Mujeres (Chihuahua); Centro de Derechos Humanos de los Pueblos del Sur de Veracruz "Bety Cariño", A.C. (Tatahuicapan de Juárez, Ver.); Centro de Derechos Humanos "Juan Gerardi", A. C. (Torreón, Coah.); Centro de Derechos Humanos Paso del Norte (Cd. Juárez, Chih.); Centro de Derechos Humanos Victoria Diez, A.C. (León, Gto.); Centro de Derechos Indígenas "Flor y Canto", A. C. (Oaxaca, Oax.); Centro de Derechos Humanos Toaltepeyolo (Orizaba, Veracruz); Centro de Derechos Indígenas A. C. (Bachajón, Chis.); Centro de los Derechos del Migrante (Distrito Federal); Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jal.); Centro de Reflexión y Acción Laboral (CEREAL-DF) (Distrito Federal); Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jal.); Centro Diocesano para los Derechos Humanos "Fray Juan de Larios", A.C. (Saltillo, Coah.); Centro Juvenil Generando Dignidad (Comalcalco, Tabasco); Centro Mexicano de Derecho Ambiental (CEMDA) (Distrito Federal); Centro Mujeres (La Paz, BCS.); Centro Regional de Defensa de DDHH José María Morelos y Pavón, A.C. (Chilapa, Gro.); Centro Regional de Derechos Humanos "Bartolomé Carrasco", A.C. (BARCA) (Oaxaca, Oax.); Ciencia Social Alternativa, A.C. KOOKAY (Mérida, Yuc.); Ciudadanía Lagunera por los Derechos Humanos, A.C. (CILADHAC) (Torreón, Coah.); Colectivo Educación para la Paz y los Derechos Humanos, A.C. (CEPAZDH) (San Cristóbal de Las Casas, Chis.); Colectivo contra la Tortura y la Impunidad (CCTI) (Distrito Federal); Comité Cerezo (Distrito Federal); Comité Cristiano de Solidaridad Monseñor Romero (Distrito Federal); Comité de Familiares de Detenidos Desaparecidos "Hasta Encontrarlos" (Distrito Federal); Comisión de Derechos Humanos y Laborales del Valle de Tehuacán, A.C. (Tehuacán, Pue.); Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (COSYDDHAC) (Chihuahua, Chih.); Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Mor.); Comisión Regional de Derechos Humanos "Mahatma Gandhi", A. C. (Tuxtepec, Oax.); Comité de Defensa Integral de Derechos Humanos Gobixha A.C. (CODIGODH) (Oaxaca, Oax.); Comité de Defensa de las Libertades Indígenas (Palenque, Chis.); Comité de Derechos Humanos Ajusco (Distrito Federal); Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada", A. C. (Ocosingo, Chis.); Comité de Derechos Humanos "Sierra Norte de Veracruz", A. C. (Huayacocotla, Ver.); Comité de Derechos Humanos de Colima, A. C. (Colima, Col.); Comité de Derechos Humanos de Comalcalco, A. C. (CODEHUOCO) (Comalcalco, Tab.); Comité de Derechos Humanos de Tabasco, A. C. (CODEHUTAB) (Villahermosa, Tab.); Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Gto.); Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo A.C. (Tulancingo, Hgo.); El Caracol, A.C. (Distrito Federal); Estancia del Migrante González y Martínez, A.C. (Querétaro, Qro.); Frente Cívico Sinaloense. Secretaría de Derechos Humanos (Culiacán, Sin.); Fundación para la Justicia y el Estado Democrático de Derecho (Distrito Federal); Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Mérida, Yuc.); Iniciativas para la Identidad y la Inclusión A.C. (INICIA) (San Cristóbal de Las Casas, Chis.); Instituto de Derechos Humanos Ignacio Ellacuría, S.J. Universidad

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