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Indigenous Rights, Culture In Forefront In Mexico During Centennial, Bicentennial Celebrations

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In a decision that could have broad implications for the individual rights of indigenous peoples in Mexico, the high court (Suprema Corte de Justicia de la Nacion, SCJN) has agreed to review the case of Alberta Alcantra and Teresa Gonzalez Cornelio, members of an Otomi community in Queretaro state, arrested in 2006 on kidnapping charges. Human rights advocates took up their case, arguing that the arrests were a consequence of a deficient criminal-justice system and a prevailing culture of discrimination against women and indigenous peoples in Mexico.

The case comes as indigenous rights are becoming more prominent in Mexico's public debate during celebrations of the bicentennial of Mexico's independence from Spain and the 100-year anniversary of the 1910 Revolution that toppled dictator Porfirio Diaz. During this milestone year, high-profile educators and politicians are calling for concrete actions to support Mexico's indigenous peoples rather than merely symbolic festivities. Protecting indigenous rights and culture is again gaining attention as Mexico celebrates the anniversary of its 1810 independence from Spain and the end of Porfirio Diaz's 34-year dictatorship in 1910. Diaz was toppled in an uprising led by Francisco I. Madero. Organizers of commemorations of the two events made sure that indigenous peoples were included. Indigenous rights most recently gained national attention during the uprising of the Ejercito Zapatista de Liberacion Nacional (EZLN) in Chiapas during the 1990s.

As a condition for peace negotiations, the EZLN demanded that Mexico enact laws protecting the rights and culture of indigenous peoples (see SourceMex, 1995-09-13). The EZLN succeeded in forcing the Congress and the executive branch to begin considering indigenous rights. But, despite the best efforts of the Zapatistas to push for far-reaching changes in Mexican law, the Chamber of Deputies and Senate ended up approving a watered-down indigenous-rights bill in 2001 (see SourceMex, 2001-05-02). A majority of state legislatures ratified the measure, which was later signed into law by then President Vicente Fox (see SourceMex, 2001-07-18 and 2001-05-23). Supreme Court agrees to hear landmark case One of the biggest developments involving indigenous rights came in mid-March, when the SCJN agreed to review the case involving the arrest of Alcantara and Gonzalez Cornelio.

The two were detained along with Otomi Jacinta Francisco Marcial on charges of kidnapping federal agents. The three women, who were street vendors, were selling their products when agents of the now-defunct Agencia Federal de Investigacion (AFI) conducted a sweep of their area in search of drugs and pirated products. In the process, the agents confiscated merchandise and destroyed several stalls, including those of Alcantara, Gonzalez, and Francisco Marcial. This angered the women, who held the agents for several hours until their merchandise was returned. Authorities did not take the temporary detention of the agents well. Using federal anti-kidnapping statutes, authorities arrested the women and convinced Judge Rodolfo Pedraza Longi to hand them 21-year sentences.

After losing an appeal, authorities were forced to release Francisco in September 2009 because of a lack of evidence, but Alcantara and Gonzalez remain in a federal penitentiary in Queretaro state despite the failure of authorities to present new evidence. Lawyers for the women continued to work the legal system, eventually bringing the case to the SCJN. Because Francisco had been released, efforts focused on Alcantara and Gonzalez. Advocates had been confident that the case merited a review by the high court but were cautious because cases involving a criminal charge are often sent to a lower court (tribunal unitario) to resolve. Under normal circumstances, the appeal in the Alcantara-Gonzalez case would have gone to the tribunal unitario in Queretaro. The SCJN surprised everyone, not only by taking the case but also by reaching the decision to take the case in less than a day.

The high court's decision in itself was significant, but the weight the justices gave the case was even more important. Citing the "momentousness" of the case, Justice Juan Silva Meza convinced fellow Justices Olga Sanchez Cordero, Jose de Jesus Gudino Pelayo, and Arturo Zaldivar Lelo de Larrea, who formed part of a review committee, that the case merited intervention by the court because of its social significance. "The legal situation of Alberta Alcantara and Teresa Gonzalez Cornelio has generated great interest in society because it involves the rights of women, of indigenous peoples, and the prohibition of discrimination," said the Mexico City daily newspaper *La Jornada*. "Because of this, the justices set aside formalities and without much prior debate resolved to know more about this issue." Furthermore, said Justice Silva, the case allows the court to establish criteria on whether detaining public officials is a legitimate action to obtain a response from authorities. Among the human rights advocates who have spoken on behalf of the Otomi women during their conflict with the government are the Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH) and Amnesty International (AI). The advocates argued that the accused were victims of a vendetta by the AFI. AI also contends that Alcantara and Gonzalez were denied due process during the initial trial because no interpreter was provided.

In addition, the public defender assigned to the women did not consult with them to explain their rights and the defense strategy. Finally, AI said, prosecutors failed to offer sufficient proof that a kidnapping actually occurred. AI adopted the two women as prisoners of conscience. "The case is very emblematic of the discrimination and unjust trials that many indigenous people encounter in the Mexican judicial system," said Rupert Knox, AI's Mexico researcher. Queretaro Gov. Jose Calzada Roviroso, the state human rights commission (Comision Estatal de Derechos Humanos de Queretaro, CEDHQ), and the Catholic Diocese of Queretaro also spoke out on behalf of Alcantara and Gonzalez. Calzada sent a special appeal to the SCJN's chief justice, Guillermo Ortiz Mayagoitia, asking the court to examine the situation that led to the incarceration of the Otomi women. And CEDHQ president Adolfo Ortega Osorio said he would urge the federal Comision Nacional de Derechos Humanos (CNDH), which has already received a complaint about the case, to intervene more forcefully.

At the federal level, the Mexican Senate established a special commission to investigate the case and has lobbied for the SCJN and President Felipe Calderon to take action. "We will appeal to the president to review the situation of these indigenous citizens through the Procuraduria General de la Republica (PGR) and in coordination with the judicial branch," said Sen. Manlio Fabio Beltrones, floor leader of the Partido Revolucionario Institucional (PRI) in the upper house. The high court did

not say how long it would take to review the case, but advocates say the important thing is that this matter is part of the SCJN's agenda. Other cases involving the rights of indigenous peoples have recently gained prominence. In mid-March, the Washington-based Inter-American Commission on Human Rights (IACHR), part of the Organizations of American States (OAS), issued a sharp rebuke to the Mexican federal government for failing to protect the rights of members of the Organizacion del Pueblo Indigena Me'phaa (OPIM).

The IACHR complaint said that OPIM leaders have received constant death threats from the Mexican military for their advocacy of human rights. "Several of the people threatened have been proposed by the IACHR as witnesses in two cases of Mexico that are before the Inter-American Court of Human Rights," said the IACHR. "Both cases involve the rape and torture of Me'phaa indigenous women by agents of the Mexican Army in the state of Guerrero." The San Jose-based Inter-American Court of Human Rights is also an OAS entity. The IACHR, which said the attacks and acts of intimidation have been taking place at least since 2005, reminded the Mexican government of its obligation to protect human rights advocates. "The IACHR reiterates that acts of violence and other attacks against human rights defenders not only affect the guarantees that belong to all human beings; they also undermine the fundamental role these defenders play in society and contribute to the vulnerability of all those whose rights they champion," said an IACHR statement. "The Commission also recalls that the work of human rights defenders is critical for the construction of a solid and lasting democratic society, and that they play a leading role in the process to fully implement the rule of law and to strengthen democracy." Advocates urge Mexico to 'repay debt' to indigenous peoples There are other efforts in Mexico to preserve and honor indigenous cultures.

At a forum examining the role of indigenous peoples in the Mexican Independence, experts like Jose Narro, president of the Universidad Nacional Autonoma de Mexico (UNAM), said Mexico has a historic opportunity to recognize the value not only of past contributions of indigenous peoples but also of their current role in Mexican society. To that end, Narro endorsed the idea of celebrating indigenous culture but only when such celebrations served to bring attention and find solutions to the plight of the millions of indigenous people who live in Mexico. Narro said Mexico could repay the debt to indigenous peoples through public policies to benefit and empower the various communities. UNAM estimates that Mexico has an indigenous population of 13.7 million, an increase from 13.1 million in 2005 but far short of the 14.2 million projected by the Comision Nacional de Poblacion (CONAPO) for 2010.

The increase has been limited by emigration and poverty-related factors (see SourceMex, 2007-04-05). Congress has made some efforts this year to raise the profile of indigenous communities. The committee on indigenous affairs (Comision de Asuntos Indigenas) in the lower house is pushing for indigenous rights to be included in discussions on political reform if an initiative reaches the floor of Congress this year. President Calderon proposed far-reaching electoral and political reforms (see SourceMex, 2010-01-06). The opposition parties, especially the Partido Revolucionario Institucional (PRI), have embraced most of the proposals, but other political considerations could derail the reforms (see SourceMex, 2010-01-27). "As members of the [indigenous groups who were] original inhabitants of this country, we claim our right to become part of this political reform," said PRI Deputy Manuel Garcia Corpus, a Mixtec Indian from Oaxaca who chairs the indigenous affairs committee in the lower house. "We want to work in a coordinated way to bring back indigenous issues to the national agenda." Senate unveils Nahuatl version of Mexican

Constitution Another symbolic effort in Congress to recognize the contributions of indigenous cultures to Mexico was a Senate ceremony in mid-February unveiling a version of the Mexican Constitution in the Nahuatl language, which is spoken by about 2 million people in parts of central and southern Mexico.

Indigenous author Natalio Hernandez was one of two people who translated the Constitution into Nahuatl, under the auspices of the Instituto Nacional de Lenguas Indigenas (INALI). The document is not only available in Nahuatl but also in 13 variants of the language. "The translation of the Constitution of 1917 into the Nahuatl language intends to foster and consolidate a democratic and egalitarian civic culture," said PRI Sen. Melquiades Morales Flores, chair of the Senate committee in charge of the bicentennial celebration for Mexico's Independence and the 100-year anniversary of the Mexican Revolution. Morales said the Senate hoped that the Nahuatl version of the Constitution would contribute to the preservation of native languages and "promote a sense of identity and pride for our indigenous communities."

Historian Miguel Leon-Portilla, who is a special counselor for the commission planning Mexico's bicentennial and centennial celebrations, said the translation into Nahuatl was especially appropriate. "Nahuatl is the language spoken by the largest number of indigenous persons in Mexico," said Leon-Portilla. Nahuatl, the language spoken by the Aztecs in pre-colonial times, is still used by many communities in central Mexico, including the Distrito Federal and the states of Mexico, Puebla, Hidalgo, and Veracruz. "Today, almost 200 years after the start of our independence and 100 years after our revolution, we give special recognition to our indigenous languages because of their historical significance and their place in the cultural patrimony of our country," said Sen. Andres Galvan Rios, chair of the indigenous affairs committee (Comision de Asuntos Indigenas) in the upper house.

Historian Patricia Galeana, who pushed for the translation of the Constitution into Nahuatl, said the new indigenous-language text intends to "repay one of the debts that we have with the people of this land, who are the basis for our national identity." Galeana noted that Hidalgo, Puebla, and Veracruz have already translated their state constitutions into Nahuatl, and Mexico state has versions of its constitution in the Mazahua, Otomi, and Matlatzinca languages. "When the Senate created the commission to celebrate our bicentennial and centennial, it established as a priority to include the participation of indigenous communities," said Galeana. "This is one reason why work has begun to translate the Constitution

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