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Carlos Navarro

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## Protection of Human Rights Becomes Codified in Mexican Constitution

by Carlos Navarro

Category/Department: Human Rights

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On May 18, the Tamaulipas state legislature voted to ratify changes to the Mexican Constitution that incorporate language to guarantee the protection of human rights for all people in Mexico. With the vote, Tamaulipas became the 16th state to ratify the constitutional changes approved overwhelmingly by the Chamber of Deputies and the Senate in March. The two federal legislative chambers modified 11 articles, thus strengthening human rights protections.

Fifteen other states joined Tamaulipas in creating the majority necessary for the changes to become law. The other states were Coahuila, Colima, Chiapas, Yucatán, Chihuahua, Campeche, Zacatecas, Quintana Roo, México state, Durango, Sonora, Aguascalientes, Tabasco, Veracruz, and Baja California Sur.

This is the second time this year that the Congress has voted to support constitutional changes to address individual rights. Earlier this year, the Senate and Chamber of Deputies approved changes to Articles 4 and 27 that guarantee access to healthy food for all Mexicans ([SourceMex, May 11, 2011](#)). A majority of states are expected to eventually ratify the measure.

The recent changes are merely principles unless the government takes appropriate actions to protect human rights and guarantee the right to food. The human rights protection appears to be a tall order in a country that has gained a strong negative reputation for its long history of allowing impunity ([SourceMex, Aug. 13, 1997](#)), ([Jan. 20, 1999](#)), ([Feb. 9, 2005](#)), and ([May 19, 2010](#)).

### *Human rights commission given new powers*

Still, human rights advocates said the changes approved by Congress offer hope that significant improvement can take root in Mexico. One important development is that the Comisión Nacional de Derechos Humanos (CNDH) and state human rights commissions have been given the power to conduct full investigations of human rights violations. Until now, only the high court (Suprema Corte de Justicia de la Nación, SCJN) had the power to investigate. The CNDH often denounced violations, but without investigative powers, the complaints fell on deaf ears.

"The CNDH will have more faculties to better serve society," the commission said in a news release. "We can now strengthen the backbone of the state through a culture of legality, which is based not only on the existence of rights and responsibilities but on institutions and public servants committed to their functions."

The human rights organization Amnesty International (AI) called the reforms a "transcendental step" in the effort to protect human rights in Mexico. "These reforms strengthen in a very fundamental way the constitutional recognition of international treaties related to human rights and the obligation to respect, protect and guarantee these rights," AI said in a statement.

The constitutional changes also require public servants, functionaries, and officials to promote, protect, and guarantee the respect for human rights according to the universal principles of interdependence, indivisibility, and progress.

Other organizations that promote human rights also provided input, including the Consejo Nacional para Prevenir la Discriminación (CONAPRED). "This represents a new chapter in the relationship between the state and the citizenry, strengthening the rights of citizens and spelling out the obligation of public entities to guarantee them," CONAPRED said in a statement. "This is an advance in the legal framework for equality and the fight against discrimination for people who live in our country or transit through it."

One important aspect of the reforms is that they provide a stronger framework for governments at all levels to work together on important cases dealing with human rights violations, such as the recent massacres of immigrants from Central America and other countries in Tamaulipas ([SourceMex, Sept. 8, 2010](#)) and ([April 13, 2011](#)).

Organizers of the Marcha Nacional por la Paz con Justicia y Dignidad—consisting of nationwide demonstrations to protest the government's anti-drug strategies and its inability to curb drug-related violence—included among their demands the approval of the constitutional reforms on human rights. The marches, held on May 7-8, were the brainchild of poet Javier Sicilia, whose son was gunned down by drug traffickers ([SourceMex, April 13, 2011](#)).

### *Gay rights initially an issue*

While support for the changes appeared to be overwhelming in the Congress and the state legislatures, one proposal created some controversy. The broad motion to reform Article 1 to forbid any exclusion or segregation was met with resistance from some Roman Catholic bishops, who objected to spelling out rights based on sexual orientation. A socially conservative faction of the governing Partido Acción Nacional (PAN) supported the bishops during debate in the Senate.

"The Catholic conservatives felt especially offended because the reformed Article 1 of the Constitution guarantees the right of people to choose, among other rights, their sexual preference," said nationally syndicated columnist Miguel Ángel Granados Chapa. "When the text was being discussed in the Senate in March, a group of PAN legislators tried unsuccessfully to add language suppressing this right."

"By protecting sexual preferences, you open the door to all sorts of irregularities and aberrations," Cardinal Juan Sandoval Íñiguez, archbishop of Guadalajara, warned in a statement.

This is not the first time that the Catholic bishops have battled politicians regarding gay rights. In 2010, the bishops conference (Conferencia del Episcopado de México, CEM) bitterly criticized the SCJN and Mexico City Mayor Marcelo Ebrard for advancing gay marriage and gay adoptions in the Mexican capital ([SourceMex, Feb. 17, 2010](#)) and ([Aug. 25, 2010](#)).

But the bishops in the end decided not to challenge the full measure based on that single objection because they did not want to be seen as opposing human rights. After the changes were approved in Congress, the CEM issued a statement expressing overall support for the reforms. "The rights of all human beings have been placed at the center of our constitutional order," said the statement signed by CEM president Carlos Aguiar Retes, archbishop of Tlalnepantla, and Víctor René Rodríguez, auxiliary bishop of the Diocese of Texcoco.

In particular, the bishops lauded strengthening the right of religious liberty, and they also interpreted the changes to mean that the protection of all individuals extends to the unborn.

Many PAN legislators backed the reforms from the very beginning. Sen. José González Morfín, coordinator of the PAN delegation in the upper house, said the legislation was developed with input from all parties in Congress, and the plan did not in any way compromise the party's core values.

Gonzalez Morfín cited several aspects of the reforms that were important to his party as well as other parties. "We have ratified the prohibition of the death penalty in Mexico and forced disappearances," said the PAN legislator. "And we have given states the obligation to give autonomy to their human rights commissions."

"For Mexico, recognizing these rights is a step forward," González Morfín said in a statement congratulating the legislatures of Tamaulipas and the 15 other states for ratifying the measure approved in both federal chambers. "What is clear is that we must find the ways to implement these principles once the reform is published in the government's daily register [Diario Oficial de la Federación]. Authorities at all levels will now have the obligation to monitor, defend, and promote respect for human rights."

Deputy Jesús Alfonso Navarrete Prida, chair of the human rights committee (Comisión de Derechos Humanos), urged President Felipe Calderón to publish the law in the daily register as soon as possible. He raised concerns that Calderón might be under pressure from some conservative groups to defeat the measure by not publishing the law, in a maneuver known as a pocket veto. "At this moment, there are five important pieces of legislation that need to be published and President Calderón has yet to do so," said Navarrete Prida, a member of the opposition Partido Revolucionario Institucional (PRI).

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