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PRM-41: Annexes

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PRM 41 - Human Rights

While it generally supports positive multi-lateral human rights initiatives, Mexico's domestic human rights record leaves room for significant improvement. At the same time, Mexicans have criticized the United States for human rights violations against Mexican-Americans and Mexican citizens in the United States. In the human rights area we want to continue our multilateral cooperation, manage a quiet and reasonable dialogue, and encourage human rights improvement on both sides without undue cost to our other interests.

Background on Human Rights in Mexico

Mexico's record on human rights is reflected in a complex set of policies and actions. In multi-lateral areas, Mexico generally supports positions to improve human rights in hemispheric nations, and follows this up by granting political asylum to the persecuted of those nations. The Mexican Government has not yet adhered to the American Convention on Human Rights. Their officials have informed us that they will ultimately sign it, though they have some reservations about its jurisdictional aspects. Although rather cautious about visits by the IAHRIC, by the Red Cross and by private human rights groups, Mexico informed the 1977 OAS General Assembly that the Inter-American Human Rights Commission would be welcome to visit. Amnesty International was allowed to visit Mexico twice and the Mexicans have permitted the formation of domestic human rights groups.

On the domestic side, Mexico's record is more complex and contradictory, with sizable credibility gaps between Mexico's professed policy and actual record. The Mexican Constitution and law support such basic human rights as freedom from torture or arbitrary arrest, the right to a fair trial, and freedom of speech and association. Mexicans take great pride in the social content of their Constitution which guarantees the right to work, education, food, labor union membership, collective bargaining and the like. However, confronted by the tensions inherent in rapid development, Mexico, like most countries, falls short in fulfilling its human rights goals.

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The obstacles to Mexico's implementation of its human rights protections have their roots in poverty and in the political system which grew out of the 1917 Mexico Revolution. The system is dominated by one party, the Institutional Revolutionary Party (PRI). While there has been scope for considerable debate and opposition within the PRI, the increasing rigidity of the political system and the concomitant rigidity of the economic system has not left sufficient room for dissidence in the Mexican political system, thereby producing extremists and even terrorists.

Today Mexico is faced with a terrorist movement (on a smaller scale than in the past and in many other Latin American countries) which calls for radical revolution and has engaged in kidnappings, bank robberies and murders. To meet this threat, the government has adopted a hard line to deal with suspected members of terrorists organizations. The principal anti-terrorist instrument is an ad hoc elite group reportedly consisting of some police and military elements and known as the White Brigade. In its drive to eradicate terrorists the White Brigade and other security force elements have sometimes ignored the human rights of the suspects and Mexican judicial procedures. Human rights groups and opposition political parties have charged that the security forces have tortured and executed suspects and are responsible for the disappearances of as many as 200-300 persons over the last decade.

While the emphasis of repression has been on those suspected of terrorism, occasional extra-legal actions by the security forces have also affected agrarian, labor, and student strike leaders.

The Government of President Lopez Portillo is sensitive to these abuses and in an effort to heal the breaches in Mexican society caused by dissident groups dating back to 1968, sent the Mexican Congress a bill to provide amnesty for political prisoners early in September 1978. The law was passed and promulgated in late September and has already benefited about 200 persons although questions about the fate of some people who have disappeared persist. Because of certain restrictions contained in the law, its full impact on those who have committed violent crimes has not yet been determined.

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Realizing the importance of renewing and opening up the Mexican political system, President Lopez Portillo has instituted a series of political reforms to increase the number of opposition political parties and their representatives in Congress. These reforms will be important in the process of advancing political freedoms in Mexico by giving dissidents a more active role in the mainstream of Mexican politics. It is not expected that the reform for the foreseeable future will weaken the dominant role of the PRI.

U.S. Policy Approaches

General Improvement of the US-Mexican Dialogue

Our approach to promoting further human rights improvement in Mexico is through encouragement of and cooperation with human rights groups, ranging from the IAHR to Amnesty International, to Mexican human rights groups. Given the Mexican Government's support for human rights initiatives in international forums and the special sensitivity of Mexicans about being told what to do by the United States, it would be ill-advised and counter-productive for us to take Mexico to task publicly for its domestic violations of human rights. We will continue to use quiet diplomacy on human rights. In the continuing dialogue with the Mexican Government on human rights developments we want to assure the Mexicans that we believe human rights violations in both the United States and Mexico are legitimate issues of discussion between our two Governments.

It is apparent that Mexico's implementation of its economic and social human rights will depend on Mexico's economic development. The distribution of income is now markedly uneven, with a large segment of the population lacking permanent employment or basic social services. Our policy is to support

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Mexico's attempts to redress these human rights problems within the context of improving Mexican economic and political development.

Mexican Adherence to the American Convention on Human Rights

We continue to encourage the Mexican Government to adhere to the Convention, notwithstanding the legal difficulties which can, as in the case of United States adherence, be resolved through reservations on certain articles. Now that the Convention is in effect and a Court is close to establishment, Mexico's adherence would support its professed preference to resolve international problems through multilateral organizations.

Improvement in Human Rights of American Prisoners

Despite the decrease in the number of American prisoners held in Mexican jails as a result of the prisoner transfer treaty of 1977, new arrests occur monthly and sometimes involve violations of our citizens' human rights by security forces. We continue to press for improved treatment of arrested Americans, consistent with Mexico's international and bilateral agreements.

Mexican Complaints About U.S. Human Rights Violations

Within the framework of discussions on treatment of American prisoners we are prepared to discuss Mexican complaints about mistreatment of Hispanics, including illegal Mexican workers in the United States. The Mexicans have complained about a number of cases in which Mexican citizens and Mexican-Americans have been mistreated by federal, state and local authorities in the United States and allegations that they have not in all cases received full protection of American law or judicial procedures.

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Mexican Support for U.S. Multilateral
Efforts to Promote Human Rights

We appreciated Mexico's privately expressed offer to support our human rights initiatives in the 1978-79 UN General Assembly. To date there has been little opportunity for them to do so, but as Mexico seeks a wider role in international organizations we hope to be able to count on Mexico as a voice for balance in UN treatment of human rights. At the same time it should be noted that Foreign Secretary Roel, both in the 1978 OAS General Assembly and the 1978 UNGA, has staked out a position arguing that the protection of human rights throughout the hemisphere and the world should include protection of the human rights of migrant workers.

November 21, 1978

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