

MEXICO

D) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: NOVEMBER 23, 1948

RATIFIED AMERICAN CONVENTION: MARCH 2, 1981

Declarations and reservation made at the time of ratification (from http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm)

The instrument of accession was received at the General Secretariat of the OAS on 24 March 1981, with two interpretative declarations and one reservation. Notification of the reservation submitted was given in conformity with the provisions of the Vienna Convention on the Law of Treaties, signed on 23 May 1969. The twelve-month period from the notification of said reservation expired on 2 April 1982, without any objection being raised to the reservation.

The texts of the interpretative declarations and the reservation are the following:

Interpretive Declarations:

With respect to Article 4, paragraph 1, the Government of Mexico considers that the expression "in general" does not constitute an obligation to adopt, or keep in force, legislation to protect life "from the moment of conception," since this matter falls within the domain reserved to the States.

Furthermore, the Government of Mexico believes that the limitation established by the Mexican Constitution to the effect that all public acts of religious worship must be performed inside places of public worship, conforms to the limitations set forth in Article 12, paragraph 3. This interpretive declaration was withdrawn on April 9, 2002.

Reservation:

The Government of Mexico makes express reservation to Article 23, paragraph 2, since the Mexican Constitution provides, in Article 130, that ministers of denominations shall not have an active or passive vote, nor the right to associate for political purposes.

DECLARATION FOR RECOGNITION OF THE JURISDICTION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

1. The United States of Mexico recognizes as binding *ipso facto* the adjudicatory jurisdiction of the Inter-American Court of Human Rights on matters relating to the interpretation or application of the American Convention on Human Rights, in accordance with article 62.1 of the same, with the exception of cases derived from application of article 33 of the Political Constitution of the United States of Mexico

2. Acceptance of the adjudicatory jurisdiction of the Inter-American Court of Human Rights shall only be applicable to facts or juridical acts subsequent to the date of deposit of this declaration, and shall not therefore apply retroactively.

3. Acceptance of the adjudicatory jurisdiction of the Inter-American Court of Human Rights is of a general nature and shall continue in force for one year after the date of which the United States of Mexico gives notice it has denounced it.

On July 11, 2014, the General Secretariat acknowledged receipt of a letter by Government of the United States of Mexico notifying the depositary the withdrawal of the reservation to the final wording of the first three paragraphs submitted with the “Declaration for recognition of the jurisdiction of the Inter-American Court of Human Rights.”

**ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS”
(ART. 45): MARCH 24, 1981**

ACCEPTED JURISDICTION OF IACHR (ART. 62): DECEMBER 16, 1998

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Alfonso Martín del Campo Dodd v. Mexico

On May 30, 1992, Mr. Alfonso Martín del Campo Dodd, a Mexican and U.S. citizen, was illegally arrested and tortured by the Judicial Police of Mexico in an attempt to compel him to confess to murdering his sister and brother-in-law. The State sentenced Mr. Martín del Campo Dodd to fifty years in prison without access to effective remedies and without a thorough investigation into his case. The Court found that it could not exercise jurisdiction over this case because the alleged violations occurred prior to the State's acknowledgment of the Court's jurisdiction.

Key Words: *Arbitrary Arrest and Detention; Criminal Justice; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

[None]

Monitoring Compliance with Judgment

[None]

II) Case of Castañeda Gutman v. Mexico

This case was brought by the former Mexican minister of foreign affairs, who tried to participate in the Presidential elections of 2006 as a citizens' candidate, without being affiliated with a

political party. It explores the Mexican electoral process.. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Civil and Political Rights; Civil War and Unrest; Forced Disappearances; Discrimination; Indigenous Peoples' Rights; Judicial Protection (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of August 6, 2008. Series C No. 184

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of July 1, 2009
- 2) Order of the President of the Inter-American Court of Human Rights of January 18, 2012
- 3) Order of the Inter-American Court of Human Rights of August 28, 2013

III) Case of González et al. ("Cotton Field") v. Mexico

On November 6, 2001, three bodies were found in a cotton field in Ciudad Juárez. This case is about the State's international responsibility for the disappearances and subsequent deaths of Ms. Claudia Ivette González, and minor children, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez. The State failed to protect the victims in spite of full awareness of the existence of a pattern of gender-related violence that had resulted in the murders of hundreds of women and girls.

Key Words: *Women's Rights; Indigenous Peoples' Rights; Criminal Justice; Discrimination; Economic, Social, and Cultural Rights; Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Minors/Children*

Preliminary Objection, Merits, Reparations and Costs

Judgment of November 16, 2009 Series C No. 205

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 21, 2013 (Available only in Spanish)

IV) Case of Radilla Pacheco v. Mexico

On August 25, 1974, Mr. Rosendo Radilla Pacheco, a 60 year-old musician and political and social activist, was arrested by members of the Mexican Army in the State of Guerrero and eventually disappeared. The State failed to establish the whereabouts of Mr. Radilla Pacheco. The Court found that the State violated the American Convention on Human Rights and the American Convention on Forced Disappearance of Persons.

Key Words: *Arbitrary Arrest and Detention; Forced Disappearances; Extrajudicial Killing; Human Rights Activists; Life (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 23, 2009. Series C No. 209

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 19, 2011
- 2) Order of the Inter-American Court of Human Rights of December 1, 2011
- 3) Order of the Inter-American Court of Human Rights of June 28, 2012
- 4) Order of the Inter-American Court of Human Rights of May 14, 2013
- 5) Order of the Inter-American Court of Human Rights of April 17, 2015

V) Case of Fernández Ortega et al. v. Mexico

On March 22, 2002, Ms. Inés Fernández Ortega, a woman from an indigenous community in Guerrero, Mexico, was raped and tortured by military personnel. The State failed to undertake proper due diligence on the investigation and punishment of the perpetrators of these crimes. This case also dealt with the use of the military justice system to investigate and prosecute human rights violations, and the difficulties encountered by indigenous people, indigenous women in particular, to obtain access to justice. The Court found that the State violated the American Convention on Human Rights, the American Convention on the Prevention, Punishment and Eradication of Violence Against Women and the American Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Criminal Justice; Discrimination; Indigenous Peoples' Rights; Women's Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of August 30, 2010. Series C No. 215

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 25, 2010
- 2) Order of the Inter-American Court of Human Rights of November 21, 2014
- 3) Order of the Inter-American Court of Human Rights of April 17, 2015

VI) Case of Rosendo Cantú et al. v. Mexico

On February 16, 2002, Mrs. Valentina Rosendo Cantú, a girl from an indigenous community in the State of Guerrero, was raped and tortured by military personnel. The Court found State's lack of due diligence in the investigation and punishment of the perpetrators a violation of the American convention. The case is significant for the discussion of rape as a form of torture, military jurisdiction, and special needs of women, minors, and indigenous peoples.

Key Words: *Access to Legal Procedures; Minors/Children; Criminal Justice; Discrimination; Indigenous Peoples' Rights; Women's Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of August 31, 2010. Series C No. 216

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 25, 2010
- 2) Order of the Inter-American Court of Human Rights of November 21, 2014
- 3) Order of the Inter-American Court of Human Rights of April 17, 2015

VII) Case of Cabrera García and Montiel Flores v. Mexico

This is the case of two Mexican environmental activists in the State of Guerrero, Mexico, who, in 1999, were arrested by the military, and found guilty of various crimes based on confessions extracted under duress. The Court found that the State violated the American Convention on Human Rights and the American Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Due Process Rights; Extrajudicial Killing; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of November 26, 2010. Series C No. 220

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 21, 2013
- 2) Order of the Inter-American Court of Human Rights of April 17, 2015

VIII) Case of García Cruz and Sánchez Silvestre v. Mexico

On June 6, 1997, State agents arrested Mr. Juan García Cruz and Mr. Santiago Sánchez Silvestre without a warrant and tortured them until they incriminated themselves or confessed to certain crimes. Mr. García Cruz and Mr. Sánchez Silvestre were convicted for the crimes for which they confessed in two different criminal proceedings, sentenced to prison, and fined. The State acknowledged full international responsibility for the violating the victims' rights to humane treatment, personal liberty, fair trial, and judicial protection under the American Convention on Human Rights and the American Convention to Prevent and Punish Torture. The parties entered into a friendly settlement agreement and the Court ratified its terms.

Key Words: Arbitrary Arrest and Detention; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Due Process Rights; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment

Merits, Reparations and Costs

Judgment of November 26, 2013. Series C No. 273

Monitoring Compliance with Judgment

- 1) Order of the Inter-American of Human Rights of September 1, 2016 (Available only in Spanish)

B) Provisional Measures (Art 63.2)

- 1) Matter of Digna Ochoa and Plácido et al. regarding Mexico [November 17, 1999]
- 2) Matter of Digna Ochoa and Plácido et al. regarding Mexico [August 28, 2001]
- 3) Matter of Miguel Agustín Pro Juárez Human Rights Center et al. regarding Mexico [November 30, 2001]
- 4) Matter of Gallardo Rodríguez regarding Mexico [January 23, 2002]
- 5) Matter of Gallardo Rodríguez regarding Mexico [February 14, 2002]
- 6) Matter of Gallardo Rodríguez regarding Mexico [February 18, 2002]
- 7) Matter of Miguel Agustín Pro Juárez Human Rights Center et al. regarding Mexico [April 20, 2004] (Available only in Spanish)
- 8) Matter of Pilar Noriega et al. regarding Mexico [June 29, 2005] (Available only in Spanish)
- 9) Matter of Pilar Noriega et al. regarding Mexico [November 24, 2005] (Available only in Spanish)
- 10) Matter of Castañeda-Gutman regarding Mexico [November 25, 2005] (Available only in Spanish)
- 11) Matter of Gárcia Uribe et al. regarding Mexico [February 2, 2006]
- 12) Matter of Gallardo Rodríguez regarding Mexico [July 11, 2007]
- 13) Matter of Pilar Noriega et al. regarding Mexico [December 10, 2007] (Available only in Spanish)
- 14) Matter of Pilar Noriega et al. regarding Mexico [February 6, 2008]
- 15) Matter of Lionel Rivera et al. regarding Mexico [August 6, 2008]
- 16) Matter of Lionel Rivera et al. regarding Mexico [November 25, 2008]
- 17) Matter of Fernández Ortega et al. regarding Mexico [April 9, 2009] (Available only in Spanish)
- 18) Matter of Pérez Torres et al. (“Campo Algodonero”) regarding Mexico [April 24, 2009] (Available only in Spanish)
- 19) Matter of Fernández Ortega et al. regarding Mexico [April 30, 2009]
- 20) Matter of Pérez Torres et al. (“Campo Algodonero”) regarding Mexico [July 6, 2009]
- 21) Matter of Fernández Ortega et al. regarding Mexico [December 23, 2009] (Available only in Spanish)
- 22) Matter of Alvarado Reyes et al. regarding Mexico [May 26, 2010] (Available only in Spanish)
- 23) Matter of Fernández Ortega et al. regarding Mexico [November 23, 2009]
- 24) Matter of Rosendo Cantú et al. regarding Mexico [February 2, 2010]
- 25) Matter of Alvarado Reyes et al. regarding Mexico [November 26, 2010]
- 26) Matter of Alvarado Reyes et al. regarding Mexico [April 1, 2011]
- 27) Matter of Alvarado Reyes et al. regarding Mexico [May 15, 2011]
- 28) Matter of Pérez Torres et al. (“Campo Algodonero”) regarding Mexico [June 30, 2011]

- 29) Matter of Rosendo Cantú et al. regarding Mexico [July 1, 2011]
- 30) Matter of Fernández Ortega et al. regarding Mexico [February 20, 2012]
- 31) Matter of Martínez Martínez et al. regarding Mexico [March 1, 2012]
- 32) Matter of Alvarado Reyes et al. regarding Mexico [November 23, 2012]
- 33) Matter of Castro Rodríguez regarding Mexico [February 13, 2013]
- 34) Matter of Castro Rodríguez regarding Mexico [August 23, 2013]
- 35) Case of Rosendo Cantú et al. regarding Mexico [June 23, 2015] (Available only in Spanish)
- 36) Matter of Alvarado Reyes et al. regarding Mexico [June 23, 2015] (Available only in Spanish)
- 37) Matter of Castro Rodríguez regarding Mexico [June 23, 2015] (Available only in Spanish)
- 38) Case of Fernández Ortega et al. vs. Mexico regarding Mexico [February 23, 2016] (Available only in Spanish)
- 39) Case of Fernández Ortega et al. v. Mexico regarding Mexico [February 7, 2017] (Available only in Spanish)
- 40) Matter of Members Choréachi Indigenous Community regarding Mexico [March 25, 2017] (Available only in Spanish)
- 41) Matter of Castro Rodríguez regarding Mexico [November 14, 2017] (Available only in Spanish)
- 42) Matter of Alvarado Reyes et al. regarding Mexico [November 14, 2017] (Available only in Spanish)