



May 21, 2010

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Dear Prime Minister Harper and President Calderón:

We write on behalf of the members of Amnesty International Canada (Francophone and Anglophone branches) and Amnistía Internacional México to urge that human rights issues be given priority attention during the visit of President Calderón to Canada.

We understand that your agenda will focus on strengthening cooperation between Canada and Mexico, including strategies to promote trade and investment, as well as to confront migration and security concerns.

There are serious human rights dimensions to all of these issues that need to be front and centre amidst discussions and decision-making. A human rights-based approach is crucial if there are to be solutions that protect the security, dignity and well-being of all the citizens of our countries.

### **Economic development and human rights:**

Your visit comes at a time of considerable economic turmoil. This makes the need for a strong focus on human rights all the greater. As Amnesty International said in a submission to last year's Summit of the Americas, there is a very real and growing concern that the rights of the most marginalized and disempowered members of society may be overlooked as governments debate and adopt new economic measures. The consequences are extremely serious for those who are already struggling to meet the most basic human needs.

In Mexico, Indigenous peoples and marginalized communities whose lands have been sought for economic development have been at risk of harassment, forced eviction or denial of the right to adequate information and consultation. The rights of communities to their land and homes have been overlooked or challenged in order to exploit local resources.

Equally disturbing is the increase in threats, attacks and persecution – sometimes via misuse of the justice system – of those who work legitimately to defend the economic, social and cultural rights of Indigenous peoples and marginalized communities, work that often puts them on a collision course with powerful vested interests. A particularly egregious example is the assassination last November in Chiapas of Mariano Abarca Roblero, a leading member of the Mexican Network of People Affected by Mining. He and members of his family were repeatedly threatened before the shooting. Mariano Abarca Roblero had led protests against a Canadian mining company which community members believed to be polluting and damaging the environment. Another highly disturbing and emblematic case is that of Raúl Hernández of the Me' phaa Indigenous People's Organization, who has been jailed unjustly in Ayutla, Guerrero since 17 April 2008, charged with a murder he did not commit.

These are by no means isolated cases. Amnesty International has documented other cases in which activists defending the right of communities to participate in decision-making about economic development and resource extraction projects have been persecuted, threatened and attacked. It is imperative that those at risk receive effective protection, and that threats and attacks against activists are properly investigated so that those responsible are brought to justice.

It is equally imperative to put human rights at the heart of economic and energy plans. This includes committing to:

- Make decisions with the active, informed participation of all those affected and ensure those affected are provided with clear, detailed and reliable information on projects and their impacts.
- Assess the likely impacts of trade and investment policies, and take action to correct any negative impacts on human rights.
- Ensure that the rights of Indigenous peoples are respected, including their right of free, prior and informed consent.
- Adopt compulsory standards and independent monitoring to prevent human rights abuses by businesses.
- Respect the right of all citizens to peacefully speak out and protest without fear.



This situation must be addressed or it will increase the risk of more conflict, repression and violence.

### **Security and human rights:**

Amnesty International is concerned about the severity of the public security crisis facing Mexico, where powerful drug cartels are responsible for thousands of kidnappings and murders, with shocking brutality. Levels of violence continue despite the deployment of some 50,000 troops in law enforcement activities.

Amnesty International recognizes that the Mexican government has a clear responsibility to combat organized crime and drug cartels by all legal means. However, we are gravely concerned about a disturbing pattern of escalating human rights violations perpetrated by members of the Mexican military in the context of operations to combat drug trafficking and organized crime. In 2009 alone, 1,791 human rights-related complaints were filed with the Mexican National Commission for Human Rights. Abuses included enforced disappearances, unlawful killings and tortured allegedly committed by the Mexican military. This represents an increase of nearly 1,000 % since 2006. Between March 2008 and September 2009 in the State of Chihuahua alone, the Chihuahua State Human Rights Commission and a municipal complaints office in Ciudad Juárez received more than 1,300 complaints of military abuses. These abuses contribute to the deterioration of the security situation in Mexico.

At the same time, Amnesty International is concerned that both civilian and military authorities frequently fail to investigate complaints of abuses by members of the military in a prompt, impartial and effective manner in order to ensure that the perpetrators are brought to justice. The few cases of military abuse that are taken forward are dealt with in virtually closed military courts where victims and their relatives have no access to information or status on which they can challenge judicial or court proceedings. The lack of independence and impartiality of military prosecutors and courts has repeatedly resulted in the denial of justice to victims and impunity for perpetrators. Even according to the military authorities, only one military official has been successfully prosecuted and convicted for a human rights violation committed during the present administration.

Amnesty International urges you to recognize the seriousness and scale of the reports of human rights abuses committed by members of the military, as well as the level of complicity of civilian authorities in covering up these abuses. It is imperative that immediate steps are taken to ensure prompt and impartial investigations of all complaints by civilian authorities so those responsible are brought before the civilian courts and victims receive reparations.



In November 2009, the Inter American Court on Human Rights issued a sentence on the case of the enforced disappearance of Rosendo Radilla in 1974 by the Mexican military. The sentence includes the requirement on the Mexican authorities to reform the Military Penal Code to ensure that all military personnel implicated in human rights violations are investigated and tried by the civilian judicial authorities. Amnesty International urges immediate steps are taken to comply with this ruling.

Ensuring control and accountability of security forces involved in law enforcement operations is an essential obligation of the State. This issue is crucial since there can be no public security if the public lose confidence in the institutions of the State to protect human rights and justice.

### **Mobility and human rights:**

Given serious, widespread human rights violations in Mexico, it is of particular importance that Canada's refugee determination system remains accessible to Mexican nationals.

In this context, Amnesty International wrote to the Canadian government to express our concern about the July 2009 decision to impose a visa requirement on nationals from Mexico seeking to travel to Canada. In announcing this policy change, the Canadian government made it expressly clear that the basis for the decision was to curtail the flow of refugee claimants travelling to Canada. Amnesty International has urged the Canadian government to lift the visa requirement or put in place measures which will not serve as an obstacle to individuals seeking refuge.

Amnesty International recognizes that states have a lawful right to control the entry of foreign nationals into their territories. We realize that a visa requirement is a tool that governments may legitimately use towards that end. However, we are opposed to the explicit use of visas to restrict access to refugee determination procedures.

Canada recently introduced Bill C-11, which creates changes in the Immigration and Refugee Protection Act and seeks to limit access to procedures for individuals making refugee claims from countries that Canada determines to be "safe". Given previous Canadian government statements regarding Mexico, it is expected that Mexico would be identified as a "safe" country should the Bill pass in its current form.

Amnesty International has deep concerns about the practice of designating any country as "safe" for the purposes of refugee protection, and has documented serious human rights concerns with respect to Mexico. Unless and until these serious issues are addressed, individuals will continue to leave Mexico in search of safety and security in other countries. Migration is best controlled by implementing robust human rights protection mechanisms in both sending and receiving



countries. Visa controls and “safe” country lists merely address a symptom rather than the root cause of much migration.

We urge you to take up these recommendations as you seek positive ways forward on issues that are of such important common concern. Protection of the human rights of all citizens in our two countries depends on your leadership and concrete action.

Sincerely,

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