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MEXICO: GENERAL LAW ON TORTURE IMPROVED AND PASSED

On 19 April the lower house of Mexican congress approved their version of the General Law on Torture and sent it back to the Senate for final approval before it becomes law. This final version is an improvement of the earlier draft, and all of the four regressive articles Amnesty International was concerned about have been improved upon.

A General Law on Torture was drafted during 2015 and 2016 and presented in the Senate due to pressure from civil society given the widespread problem of torture in Mexico. This law will replace the existing federal and state laws on the issue and apply nationwide. In April 2016, the lower house Chamber of Deputies received the Senate's approved version of the bill, which in general terms was in line with international human rights standards. In December 2016, the Chamber of Deputies made four regressive changes on the bill without consulting civil society. Nevertheless, due to significant pressure from Amnesty International, the UN and Mexican civil society, the final version approved on 19 April eliminated these regressive changes.

All four articles were improved, either fully or partially in line with civil society, UN and Amnesty International's recommendations: a) Article 16, regarding state agents suspected of torture, was approved to allow for the suspension of agents that are being investigated, although the language is not watertight and this article is where perhaps there is still some area for concern; b) Article 22 was improved to allow for federal investigation of state cases when international bodies have pronounced on the case or when the victim requests this to be done; c) Article 33 has eliminated the onerous requirements that would have prevented judges from being able to order investigations into torture; d) Article 35 has improved the requirements to include cases of torture in the national registry, eliminating the requirement that cases would only be registered if criminal charges had been laid. In addition, Article 73 guarantees a broad framework to the National Prevention Mechanism, providing independence and autonomy (human and financial).

The final version passed by the lower chamber has some shortcomings, yet represents a significant step in the right direction and is largely in line with international human rights standards. Amnesty International believes it is an improvement on the 1991 Federal Law on Torture, which will be abrogated once this new law comes into effect.

The Senate, which is the upper chamber of Mexican Congress, will imminently vote on the law. It is very likely that the Senate will make no changes and will approve the final version from the lower house, which would mean that it is sent to the President for his signature

within 30 days, at which time it becomes law. We will advise the Urgent Action network if this expected outcome does not happen.

The improvements made to the General Law on Torture are an excellent outcome, and were achieved in part by pressure from Amnesty International's Urgent Action. Sources within the Congress also told the organization of having received many letters from Amnesty International members and that the pressure was felt.

No further action is required of the UA network at this time. Many thanks to all who sent appeals.

This is the second update of UA 11/17. Further information:
www.amnesty.org/en/documents/amr41/5977/2017/en/