



International Fair Trial Day

Joint Statement

Legal professional organizations, bar associations, and civil society organisations from Mexico and across the world who gathered for the 2023 International Fair Trial Day conference held in Mexico City on 14 June are united in our condemnation of the injustices and grievous human rights abuses and violations taking place in Mexico.

The discussions during the event, which focused on the systemic fair trial rights violations in the country and the interplay between this and the other widespread human rights issues, have led the organisers, participants, and supporters of the event to draw attention to the following serious concerns that were raised during the conference:

- 1.** Evidence has been provided by many actors and commentators that some of those responsible for administering justice in Mexico have failed to provide access to justice for victims of gross human rights violations and abuses. They also have failed to respect and ensure the fair trial rights of defendants during criminal proceedings, especially due to the inappropriate resort to pretrial detention and abusive practices against those deprived of their liberty. There is evidence of the widespread practice of torture and ill-treatment and corruption, as well as impunity for such practices, all of which is severely damaging respect for human rights and the rule of law in the country.
- 2.** Authorities from the executive branch continue to undermine judicial independence in the country, by constantly criticizing and undermining judges' decisions, promoting demonstrations against the courts, and harassing independent judges and lawyers.
- 3.** The right to a fair trial is a basic human right enshrined in international law and the Mexican Constitution, but for many people in the country who are deprived of their liberty, denied access to justice, and refused effective redress for violations of their rights, it seems that this right is theoretical and illusory at best.
- 4.** There is substantial empirical evidence that prisons are filled with those experiencing poverty and other social and economic challenges. There is a severe over-representation of people from marginalised communities in prisons. We have seen evidence that they are funnelled into the criminal justice system through arbitrary arrests and prosecutions for minor offences, held for years in pretrial detention, and denied basic fair trial guarantees, including access to effective legal assistance and interpretation, all of which undermine their ability to defend themselves.
- 5.** The undenied incarceration of human rights defenders and activists from the indigenous population, as well as the spurious criminal prosecutions and unfair trials brought against them, is tearing communities apart. This is further exacerbating the existing social disparities brought on by the ongoing disregard of their economic, social and cultural rights, apparent systemic racism, and human rights violations by the state agents. There is evidence that indigenous peoples who stand up for their autonomy and freedoms are subject to harassment and criminalisation, including through laws that disproportionately limit their right to protest. They are imprisoned for fighting for access to education, adequate health, housing, and clean water, and for opposing infrastructure projects and the actions of extractive industries that are causing substantial damage to the environment.
- 6.** Femicides and sexual and gender-based violence continues to be a serious concern for many girls and women across the country. There appears to be a culture of impunity that

facilitates ongoing patterns of violence against women and undermines their access to justice. Allegations of crimes by the military, in particular, are not being effectively investigated, and those in positions of command and authority are abusing their powers and resources to evade accountability, creating an atmosphere of impunity for those who wield such powers.

- 7.** Those who seek justice for victims of enforced disappearances are being denied the support and redress they deserve. There is evidence that investigations, when they do take place, are ineffective, and impunity is rife, with over 100,000 missing persons still unaccounted for. In the absence of an institutional will and sufficient resources to carry out meaningful independent and effective investigations, the relatives, many of them women, are taking it into their own hands to seek truth and justice on behalf of the victims.
- 8.** Torture and ill treatment appear to be deeply rooted in the criminal justice system, especially during criminal investigations. While perpetrators continue to evade justice and accountability, victims endure the long-lasting physical and mental impact of their ill-treatment, and they suffer the injustice of unfair trials tainted by the use of information as evidence derived from torture or other inhuman rights abuses.
- 9.** Corruption is perceived to be endemic in the country, including in the justice system, further undermining the chances of obtaining fair and impartial justice, especially for people from disadvantaged backgrounds. This perception of corruption has severely damaged the public's trust in criminal justice. Concerns about the effectiveness of the judiciary are being manipulated to justify executive interference in judicial independence, legal proceedings and harassment of judges, lawyers, and other criminal justice actors.
- 10.** Access to justice for the most vulnerable sections of the population is made even more difficult by the insufficient number of public defenders for federal offences, and by the fact that the funding of this structure is functionally dependent on the judiciary's budget, which might be subjected to cuts by the executive and legislative branches.

We recognise and welcome efforts made by the Mexican authorities to address these challenges in recent years. There have been reforms to criminal procedure laws, new systems to facilitate more effective investigations and search of persons who are victims of enforced disappearances, and improved safeguards against torture and ill-treatment. However, these changes have produced mixed results, and efforts to implement better human rights protections have been hampered by a lack of capacity, expertise, resources, and ultimately political will. The prevalence of gender and racial discrimination serves as a further obstacle to access to justice.

It is a fundamental right of the people in Mexico, and a key pillar of the rule of law, to access fair, equal, and meaningful justice, without discrimination on any status grounds. They deserve systems and institutions that protect their rights, respect their dignity, and provide effective access to justice.

It is the international and local human rights community's role to fight for justice, and this is what we must do together by supporting one another and working together to highlight and tackle the root causes of injustice and unfairness. The systemic challenges that emerged as permeating the Mexican justice system require an equally systemic and genuine response. Mexican institutions need to be strengthened in order to restore public trust and confidence in their ability to fulfil their fundamental duty to uphold the law and to guarantee, in reality, equality, human rights, and access to justice.

We urge the relevant Mexican authorities, including the government, to address these challenges:

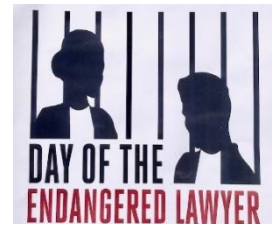
- By effective implementation of meaningful changes to tackle impunity and institutional discrimination that stain the justice system.

- By reforming the practice of pre-trial detention to ensure that it is in compliance with fair trial principles and with recent judgments of the Inter-American Court of Human Rights.
- By ensuring the implementation and proper resourcing of systems that guarantee access to justice and human rights for all.
- By ensuring that victims of injustice are properly heard and that defendants are guaranteed their right to an effective defence and a fair trial.
- By respecting and protecting judicial independence and by reassuring that governmental authorities refrain from unduly interfering in the justice system; and
- By conducting impartial, prompt, and effective criminal investigations of gross human rights violations occurring in the country.

Finally, we applaud and stand in solidarity with the brave and passionate human rights defenders of Mexico, including its community activists, human rights NGOs, lawyers, journalists, and academics who challenge the abuses of State and other organized power and demand justice for all. Their dedication to the cause of justice and fair trial rights in the face of unacceptable threats to their safety and dignity are an inspiration to us all.

Signatories





DJS JDS GDS

Demokratische Juristinnen und Juristen der Schweiz
Juristes Démocrates de Suisse
Giuristi e Giuriste Democratici Svizzeri
Giuristas e Giurists Democrats Svizzers



Human Rights Institute



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