

1- Legal professional organizations, bar associations, and civil society organisations, and more, we promulgate a joint Declaration to condemn the injustices and abuses against human rights in Mexico. See the statement here:



International Fair Trial Day

**Joint statement: conclusions and recommendations arising from the International Fair Trial Day Conference held in Mexico on June 14, 2023**



2- During the Conference, systemic violations of the right to a fair trial in Mexico and their connection with other worrying human rights violations were revealed. For this reason, serious concerns were raised at the event, in particular the following:

- 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.

- 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.

- 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.



International Fair Trial Day

## MAIN FINDINGS



International Fair Trial Day

- 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.

- 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.



International Fair Trial Day

## MAIN FINDINGS



International Fair Trial Day



International Fair Trial Day

## MAIN FINDINGS



International Fair Trial Day

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.

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.

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.



International Fair Trial Day

## MAIN FINDINGS



International Fair Trial Day

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.

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.



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



International Fair Trial Day



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

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 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 respecting and protecting judicial independence and by reassuring that governmental authorities refrain from unduly interfering in the justice system.

● By ensuring the implementation and proper resourcing of systems that guarantee access to justice and human rights for all.

By conducting impartial, prompt, and effective criminal investigations of gross human rights violations occurring in the country.