

LIBERTAS

Self-Made Citizens in Mexico

Public Fora on Democratic Development in Mexico

A new study on democratic development in Mexico entitled "Self-Made Citizens," demonstrates that, in spite of the existence of a "formal" democracy in Mexico, the ongoing process of exclusionary economic globalization leads to injustices for which no legal recourse is readily available. When Mexico signs on to international instruments in defence of human rights, such commitments rarely translate into enforceable legislation at the state or local level. And, when legislation does exist, it is applied unequally and arbitrarily, often according to a logic of negotiation rather than one based on the principle of equality before the law. The study thus concludes with a series of both general and specific (to each case study) recommendations aimed at remedying these shortcomings.

A public forum was held in Mexico City on February 20, and another in Ottawa on March 4, to present the results of this study.

The public forum held in Mexico City had a triple objective: to transmit the study's conclusions to the Mexican population, to draw the attention of government representatives to the recommendations issued by the authors of the study, and to foster a dialogue and debate on the current state of democratic development processes in general in Mexico. The forum held in Ottawa was aimed at provoking a discussion on the role of the Canadian

government, institutions and NGOs in supporting democracy in Mexico.

Thus it was that over 70 people gathered in Mexico City for an entire day on February 20 to hear the research team, various experts and representatives of the organizations at the centre of the study deliver their comments on this major study. While more modest in scope (a half day), the public forum held in Ottawa on March 4 nonetheless gave participants the opportunity to exchange directly with the study's principal researcher and coordinator, Mr. Rafael Reygadas Robles Gil, who was on hand to present the fruits of his team's labour in person.

This study was conducted over the past year by a team of Mexican researchers coordinated by the Mexico City-based organization *Alianza Civica*, in collaboration with Rights & Democracy. The study focuses on three case studies: the first case study deals with the situation of indigenous peoples in the Mixtec region of the State of Oaxaca, where communities are struggling to defend their rights to land, security, dignity and autonomy in a



Photo: Madeleine Desnoyers

From left to right: Rafael Reygadas Robles Gil (Alianza Civica); Silvia Alonso Félix (Alianza Civica); Jean-Louis Roy (Rights & Democracy); Andrea Debrowsky.

context of ongoing territorial conflict. The second focuses on the situation of women maquiladora workers in the State of Coahuila, who have been struggling for years to defend their rights to health and safety, decent working conditions, free association, etc. The third case study examines the efforts of community organizations in Sierra de Santa Catarina (an underprivileged borough of Iztapalapa, Mexico City), which are demanding the right to participate fully in defining and implementing the social policies that affect them.

A summary of the study is available in English and French on our Web site, along with the complete version in Spanish (www.ichrdd.ca).



Rights & Democracy

International Centre for Human Rights
and Democratic Development

Rights & Democracy (International Centre for Human Rights and Democratic Development) is a Canadian institution with an international mandate. It is an independent organization, which promotes, advocates and defends the democratic and human rights set out in the *International Bill of Human Rights*. In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.

Strengthening the Global Structure for Peace and Security

From the tense diplomatic crises and incredible rhetoric of the past weeks; from the threats of brushing aside the United Nations formulated by the United States; from the thousands of petitions which have expressed global solidarity with the Iraqi people; from the outrage demonstrated by millions at the unilateral "preventative" war, have flowed a realization of the importance of multilateralism and the need to reinforce the international structures for the creation and maintenance of peace and security.

The current crisis must compel us to seize this window of opportunity to ensure that the UN remains a credible and relevant political institution for peace and security.

We are setting *the* precedent about how to deal with threats to global security and peace. In doing so, we must base our decisions on the principles of international law – including humanitarian and human rights law.

The UN's preventative capacities need to be given some permanence, so that we do not respond to crises on an *ad hoc* basis. Moreover, we must strengthen the UN's monitoring, inspection and reporting capabilities in order to identify "hotspots" before they become full-blown crises.

In addition, the Secretary-General should prepare an annual report on the current state of (in)security in the world – including an account of the arms trade and military expenditures – with an evaluation of the United Nations' ongoing ability to fulfil its security mandate.

Recent events have shown the necessity and the fragility of the multilateral system that is responsible for preserving peace and security. This structure must be strengthened in order to prove its relevance and credibility.



Jean-Louis Roy, President

To read the entire text of Mr. Roy, please visit our Web site at www.ichrdd.ca.



Photo: Chris Kraik

The International Criminal Court Elects its First Bench

After a week (February 3-7, 2003) of intense marathon proceedings, 85 States parties to the International Criminal Court (ICC) elected 18 judges to the first permanent, global court capable of trying individuals accused of genocide, war crimes and crimes against humanity. This first bench includes seven women and 11 men: three from Africa, three from Asia, one from Eastern Europe, four from Latin America and seven from Western Europe and other States.

The first bench, in turn, elected its first President, Philippe Kirsch of Canada and two Vice Presidents, from Ghana and Costa Rica.

After the elections, the President of the Assembly of States Parties (ASP), Prince Zeid Ra'ad Zeid Al-Husseini, drew lots to determine which judges would serve three, six and nine-year terms. In the future, elections will be held every three years to replace three of the

judges, and eventually all judges will be expected to hold office for nine years.

The 18 judges were sworn in during an inaugural ceremony on March 11 in The Hague, The Netherlands, where the ICC has maintained an office since the July 1, 2002, entry into force of the Court's treaty.

On Friday March 21, 2003, the States parties to the Rome Statute agreed informally, and on the basis of consensus, to elect at the forthcoming resumed session of the ASP Mr. Luis Moreno Ocampo, of Argentina, as the first chief prosecutor of the ICC.

Once a Prosecutor is formally elected in late April, the Court will be able to investigate and prosecute those individuals accused of crimes against humanity, genocide, and war crimes. It should, by mid-year, be ready to begin addressing the more than 200 referrals it has reportedly received.

Call For Nominations

2003
John Humphrey
Freedom Award

Rights & Democracy is now accepting nominations for its annual John Humphrey Freedom Award. The deadline for submissions is **May 15, 2003**. The Award, which includes a \$25,000 grant and a speaking tour of Canada, is presented each year to an outstanding human rights activist or organization from any country around the world, including Canada, who works on the frontline for the benefit of developing countries. For eligibility requirements or a copy of our leaflet, please send an e-mail (ichrdd@ichrdd.ca) or visit our Web site (www.ichrdd.ca).

Rwandan Rape Victims

Denied Justice by UN Tribunal

At a press conference following their annual meeting in Montreal in March, the Coalition on Women's Human Rights in Conflict Situations announced that Prosecutor Carla Del Ponte of the UN International Criminal Tribunal for Rwanda (ICTR) is denying rape victims justice.

"Thousands of Rwandan rape victims, many of whom are now dying of AIDS, continue to wait expectantly for justice from the ICTR," said Jean-Louis Roy, President of Rights & Democracy, the institution coordinating the Coalition. "But the record of Prosecutor Del Ponte seems to indicate that she does not care."

During Del Ponte's four-year tenure, there has been a decline in the number of new indictments that contain sexual violence charges, as well as a lack of commitment to adequately develop the evidence in cases where rape charges were previously brought. Of the twenty-five indictments filed by the current prosecutor, only eight allege crimes of sexual violence. Some cases are moving forward without rape charges, even where the prosecutor is in possession of adequate evidence, such as in the Cyanguu case. A sexual assault team in the investigations division, established under the former prosecutor, has been disbanded under Del Ponte, and prosecutions of sexual violence have faltered ever since.

Since 1996, Rights & Democracy has coordinated the work of the Coalition for Women's Human Rights in Conflict Situations and has been monitoring the prosecution of sex crimes at the ICTR.

The Rights of Indigenous Peoples at the OAS: A Clear Political Will

On February 24, the Secretary General of the Organization of American States, César Gaviria, inaugurated the Working Group for the Preparation of the Draft American Declaration on the Rights of Indigenous Peoples in the presence of the First Lady of Peru.

Eliane Karp de Toledo tied recognition for indigenous peoples' rights to democracy in the Americas, and insisted on the link between diversity and the identity and richness of this continent. Echoing both Mr. Gaviria and President Bolaños of Nicaragua, she called for the rapid adoption of the American Declaration.

For its part, the government of Ecuador presented a joint declaration with CONAIE, the country's largest indigenous organization, in which it reiterated its support for the recognition of the right to self-determination and called for the adoption of the Declaration at the General Assembly of 2005. Brazil also took an

active part in the debates, with the "Lula effect" being felt as far as Washington.

The first reading of the Declaration has been completed and the final writing phase is about to start. It appears that the interventions of indigenous women, notably the Continental Network of Indigenous Women, have paved the way for the inclusion in the preamble of a paragraph on the situation of women and for an article on gender equality in the body of the Declaration. This idea has already received support from certain States, including Mexico, the United States, Bolivia, and Nicaragua.

Satisfied with the progress that has been achieved regarding both the level of the debates and the growing climate of trust, the indigenous caucus nonetheless set out a number of guidelines for the upcoming phase, including participation, transparency and national consultations.

For more information, visit the Web site of the OAS: www.oas.org.



Photo: Chris Kralk

Canada's Foreign Affairs Minister Bill Graham meets with the Board of Directors of Rights & Democracy in Montreal. From left to right: Lydia Hwitsum, John Fryer, Michèle Rouleau, Rebecca Cook, Kathleen Mahoney, Bill Graham, Jean-Louis Roy, Willy Munyoki Mutunga, Sofia Macher, Wayne McKay.

Rights & Democracy is presently in the process of preparing a detailed submission to the Department of Foreign Affairs on Canada's foreign policy review. On February 14, the President and Director of Programmes participated in a session on foreign policy dialogue with Canadian government representatives and gave a preliminary presentation to the Minister, the Honourable Bill Graham, when he visited Rights & Democracy on March 29.

Perpetuation of Warlordism in Afghanistan Detrimental to Security for Women

On the occasion of International Women's Day 2003, Rights & Democracy launched a global campaign to address the problem of rampant warlordism in Afghanistan. While Afghanistan struggles to rebuild, the dominance of warlords, some of them supported by the most powerful countries and others by

cabinet members in the Transitional Government of Afghanistan, has created a major barrier to both peace and human rights throughout the country.

Women in Herat, for example, are being subjected to abusive gynecological examinations by Governor Ismail Khan to prove their

virginity. In Kabul, Abdurab Rasul al-Sayyaf has publicly declared that women be denied the right to participate in political processes. In every province, the hard-won rights of women and girls are being clawed back. And education is once again being denied to women through the banning of "co-education" (the simultaneous learning of males and females and the teaching of women by men) by warlords who continue to control much of the country. Please visit Rights & Democracy's Web site at www.ichrdd.ca for more details.

Farmers and NGOs Discuss Trade and Human Rights:

Proposal for Agricultural Trade Fails to Meet Doha's Development Promises

In a statement adopted in Geneva on March 21 at the Conference on the WTO Agreement on Agriculture (AoA), farmers and non-governmental organizations (NGOs) from around the world rejected the draft "modalities" text submitted at the end of February to a special session of the WTO's Committee on Agriculture by its Chair, Stuart Harbinson. The Harbinson text, which could become the basis for a revised AoA, had been described as a key piece in the WTO's response to the development concerns of developing countries, where 85% of citizens earn their livelihoods from small-scale agriculture.

Claiming that the Harbinson text failed to meet its development promise, conference participants concluded that the text replicates the fundamental structural inequities inherent in the existing AoA and that it does not reflect the submissions made by developing countries to the WTO since Doha. Developing countries have repeatedly stressed the need for balancing

mechanisms within the AoA and they have pressed for greater implementation flexibility in order to achieve domestic development goals. Their hopes were pinned on paragraph 13 of the Doha Declaration which stated that the revised AoA would give attention to the "special and differential treatment for developing countries" as an "integral part of all elements of the negotiations."

While acknowledging that references to food security and the promotion of rural livelihoods were positive, and that a proposed "strategic product" category could protect some food security crops, both government negotiators speaking at the conference and delegates were quick to point out that these concepts remain theoretical within the modalities and that, in fact, the AoA continues to be driven by a "you liberalize, we subsidize" approach on the part of developed countries.

The failure of the Harbinson draft to deal effectively with such fundamental issues as

dumping, or Northern subsidies that result in dumping, continues to frustrate the efforts of developing country governments to comply with their human rights obligations, including the rights to food, health and life. At the end of January, the UN Special Rapporteur on the Right to Food, Jean Ziegler, issued a new report to the 59th Session of the UN Commission on Human Rights, in which he notes that the number of undernourished people around the world has increased to 840 million. Every seven seconds, he adds, a child under the age of 10 dies from hunger or hunger-related diseases. Ziegler emphasizes that in a globalized world the actions of one government can often have repercussions on another. In the case of the right to food, he argues that governments must ensure that their trade relations "do not violate the right to food of people in other countries" and that States should take extranational obligations into account in their multilateral negotiations, including at the WTO.

Investment in Developing Countries:

Meeting the Human Rights Challenge

Rights & Democracy will be holding a one-day "think-tank session" on *Investment in Developing Countries: Meeting the Human Rights Challenge* in Ottawa on Wednesday, June 11 at the Lester B. Pearson Building for representatives of Canadian and international

civil society organizations, the private sector, parliamentarians and government officials as well as members of the diplomatic community in Canada.

The seminar will examine the kinds of investment that are necessary for the realization of

human rights as well as the policy levers that States have (or do not have) to promote investment that is supportive of human rights. For more information, please contact Diana Bronson (dbronson@ichrdd.ca) at Rights & Democracy.

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