



**EXECUTIVE SESSION ON  
HUMAN RIGHTS COMMISSIONS AND CRIMINAL JUSTICE**

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Friday  
May 12, 2006  
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E V E N I N G S E S S I O N

(7:00 p.m.)

MR. STONE: We were originally going to be together at a conference last October, but he was unable to come because his reappointment this year was challenged by his opponents, who complained that he shouldn't be appointed for a second four year, it's a four year term?

MR. ALVAREZ: Four years.

MR. STONE: So he was embroiled in sort of a judicial process that challenges his election to this post but the legislature. And the fight really, we were talking earlier today about why it was, people complained of course, you have to make procedural objections in order to do it. But the point of course really wasn't about procedure, it was really about his commitment to the cause of human rights, the advance of rights, in particular for some of the gay and lesbian communities within Mexico City, which even those who had supported the human rights movement for many groups, this was seen perhaps as a step too far, a step in the wrong direction.

But we are very lucky, because he came through that process very strong, and he is now at the beginning of a second four year term, I guess six months into a second four year term. And the issues, we haven't talked about this before, but I am told by his friends and supporters in Mexico City that the issues that we've been talking about here, this session and overall sessions, are at the core of what he sees as his priority for the commission in this second four year term.

So this is actually a chance not only, I mean he was saying to me, I was asking during the sessions today, is there any of the stuff we're talking about in the United States, does any of this sound familiar or useful? And he said, no, no, I've been taking lots of notes, it's amazing how similar the issues we have in Mexico City are to here. But I also think we can learn a lot from his sense of strategy, the way he has laid this out, having served one four year term, looking ahead to another, this is a man who has given a lot of thought to how he is going to use this position, use the commission over these next four years.

I'm looking forward to hearing his plans and his sense about these issues. Then we'll have an open discussion. He is going to speak in Spanish at the beginning, we have an interpreter, but then in the discussion we'll revert back to English and have a back and forth there.

So it is with great pleasure that I welcome you, and thank you for making this trip, I'm really looking forward to your remarks.

(Applause)

MR. ALVAREZ: I apologize for speaking in Spanish, but I did not have enough time to prepare myself. In the question and answers, I feel much more comfortable. So Pilar [Meyer, the translator] will do my representation in English. I understand what you say, but some concepts, some words, I do not have enough practice. So excuse me.

MS. MEYER: And I apologize, if there are some terms I will have to clarify and check with Mr. Alvarez.

MR. ALVAREZ/MEYER: Thank you very much for your invitation, I'm very happy to be here.

I'm very surprised how close and how far Boston is. If there had been a direct trip, a nonstop trip, it would have taken me about five hours. But it took me 20 hours, I could have been first in Sydney, Australia.

(Laughter)

MR. ALVAREZ/MEYER: But it is a pleasure to be here and to share with you. Especially in this agenda, this common agenda of human rights.

When you put as a focus dignity and human rights, you don't see any boundaries or borders. When we were talking this morning I really was very surprised at the likeness of the problems that we share.

I want to tell you a little bit of my background so you know where I am now. I belong to a very large family. I want to tell you I have my own union: we are 14 siblings, brothers and sisters, I'm the number 12. From a very early childhood I had to learn what was democracy and human rights.

(Laughter)

MR. ALVAREZ/MEYER: Having 11 older siblings is a challenge. My parents founded the Center of Human Rights in the mid `60s. At first it was with some links or some associations with the Catholic Church, but when the 1968 conflict came there was a crisis of the relationship. So everyone was very happy, the bishops on one side were happy and the civil people on the other side were happy, but they separated.

So everything started with ecumenic work with the perspective of human rights, in a moment in history of Mexico where the human rights defense was very hard. When I was 12 the police entered into my parents' office and they took away all of the workers and even documents and paperwork. The people that were not detained or arrested decided to move all the equipment, the office equipment, and to continue with the work from our residence.

Right there I learned two things. First, in the middle of the crisis my father always told me, they can hit you, they can beat you up, but don't let them crush you thoroughly. And we sent a letter to the chief of police to tell him, to notify him where he could find us. But this time we were waiting with some media people. And the second one was international solidarity, a friend of the family, a Lutheran person who was very important for us, he helped us to spread the principles of this matter in an international way.

That is my context within my family, that's why I told you that, from very early childhood I have been involved in this. I traveled, I was in India, the country, and I wrote to my parents that I wanted to get involved again and I wanted to return to this organization. Out of the 14 siblings, I was the only one who stayed. My brother Pedro told me that this was like the movie *The Godfather*, the youngest of the children is the one that keeps the business of the father, the family.

A few years later, through a process of public selection, through working in the NGO in the city, I decided to

participate as an ombudsman of the city. We were 49 candidates, in a public process. This was the first time that that kind of process was taking place, the city is in a process of change. Initially in the first round we were 49, and we ended up at 34. After that we were only nine candidates, and out of the nine we went through the second round and then it was only three people, and the legislative assembly decided I would be the one.

It was a process that took two months, and I emphasize this because I decided it was a process of autonomy of my activity. That means that my appointment was by popular demand, and that means that the chief of government, he is not my boss, I was elected through popular decision. My role is independent and autonomous from the government, and that doesn't bother me because my main focus and my main concern is on the individuals, the people.

And precisely, talking about this, he was mentioning about how to establish that relationship with the authorities. And I think there are two key words, the first one is autonomy, and the second one is the interest, utmost interest, of the victim. That means that one very important part of my work is to administer the conflict, the conflict that exists or arises between the authorities and the people. Sometimes it's necessary to negotiate and sometimes you have to report and sometimes you have to demand and sometimes everything at once. Because the most important thing is what is the most effective instrument to help the victims.

Everything resides in - people will tell you how far

you can go, and when people come to you and they tell you how far you can go that means that you can have a high profile or a low profile. That depends very much on the conditions of vulnerability of the victims, because I am not always there to defend them. As an example, the people that are in prisons, when I receive a report or someone announcing a complaint of torture in the jails, I remember perfectly well this man who told me thanks to your intervention, your efforts, I'm not being beat up, they are not abusing me. But I don't want to continue with the investigation because you go away and I stay, and the one that is going to hit me is not the guard, the jail guard, but he is going to tell or allow other inmates to hit me. And how do I prove that he is behind that? And you are not going to be right there in my cell to protect me.

I give you this as an example because this is a person in a situation of vulnerability. So you have to take into consideration the context of each victim, for me that's the basic rule.

From that idea, the commission is an organization that is a public organization, independent, that has three principal programs, the program of defense and protection of human rights, promotion and education of human rights, and strengthening of the institution.

And we have three crossover programs, the program of the perspective of gender, the program of human rights and environment, and the program of no discrimination. So there are three main programs, with three other programs which have

perspectives that cross over the main three ones. The people that come to the commission are mainly poor people. Nine out of ten people that come to us, their household would make less than \$250 a month in income, per family. That happens for two reasons, first of all because of the situation of poverty, the vulnerability because of the poverty makes it that people cannot defend themselves. And the second one is because poor people cannot afford attorneys.

So what we do essentially is in both the defense program and the education program we try to focus on three strategies, three main strategies. The first one is to check and watch for situations, who are the perpetrators or the violators of human rights. On one hand, that means to make an investigation of the responsibilities. And the second one is to determine what is the working situation of these violators of human rights.

To give you an idea, Mexico City has 80,000 policemen, police officers, belonging to different agencies; there are 33,000 that are called auxiliary police. They are just like watching people, like security guards. These kind of individuals in the police, they make about \$400 a month. And 90 percent of these type of police are on the outskirts of the city. It is very hard to tell these individuals to take care of the dignity of other individuals when their own needs, their own dignity needs, are not taken care of.

Out of all the complaints received from people against the police, 12 percent are from policemen complaining

about their own bosses or supervisors, corruption, abuse, mistreatment, and some policewomen, they complain about sexual harassment. So the first thing to see is what is happening with the perpetrators of the violations. And the second one is to see what are the structural conditions that allow this to happen: administrative, legal conditions, procedural processes. Sometimes they are even related with matters or subjects of technology.

A third strategy would be to put concrete attention on the victims, especially when it concerns repair of the damage, not only financially but morally. There have been some events that are symbolic and understanding them helps us to avoid the repetition of those events. Like right now, we are very close to the end of a case, a very important case, of police abuse, where an innocent person died. There is a classroom of police training at the police academy that is going to have the name of this person, this victim. So that is just a reminder that every time they are going to get education or training they will be reminded that they cannot abuse or kill people. This is a symbolic message.

But the important thing is that the authority goes together along with the message. That takes us to the idea of what is the concept of human rights that we are promoting. Fifty years ago the concept of human rights was a concept that was politically incorrect.

Coming from Latin America, from Mexico and Latin America, I can tell you that human rights there was a

controversial subversive theme or topic; it was even combative. But what we see now is that the concept of human rights has won the ideological battle; not only won it, but it has become an indicator of the performance of governments. As a matter of fact, it has become a term of relationship between the people and the authorities.

Today, it's normal to talk about human rights, but that was not so for our parents or for ourselves many years back. In the past 50 years the human race has evolved very much in whatever has to do with the creation of instruments that defend and promote dignity. That has very much to do with the triumph of the concept of human rights.

By the way, the case of the United States is a little bit of a case of schizophrenia, because it is an international actor that promotes human rights internationally but at the same time it has some inconsistencies, very extraordinary inconsistencies. I'm going to give you three examples. The instrument, the document, that has been signed by most of the countries internationally is the Convention on the Rights of the Child. There is only one U.N. member country that hasn't signed that document, the United States.

The second example, without giving too much detail, is the Guatanamo base; it is unacceptable. It's a shame.

The third example is that it promotes human rights in other countries but it doesn't care what the United Nations thinks about it. That is why the theme of human rights has become a theme of relationships between the United States, other

countries and the United Nations. In my opinion, why it is justified, the triumph of human rights, it is precisely for its contribution, the ethical contribution to democracy.

Then we talk about a concept that goes hand in hand with democracy and human rights. And it generates an integral holistic perspective. On the one hand the civil and political rights, and on the other hand the social, economic, cultural and environmental rights. In that way, human rights become the entrance way, the gate, in movements of democracy, diversity and sustainable development. Today in Mexico we see how the agenda of sexual diversity crosses over with human rights. Or the feminist movement with human rights, or the indigenous people with human rights. . . essentially putting at the center the ethical contribution.

Today we have been talking about the right to no discrimination. Another of the things that we are preoccupied with at the Commission is the justice system, the theme of the justice system. We have two very serious challenges, the first is the lack of trust, people don't trust the justice system. And the second one is the theme of impunity. The best example in Mexico City is when someone gets their car stolen, the very first place someone calls is to the insurance agency, no one thinks about calling the police first. When people think about the police, they say, no, that's going to be a hassle, and that is tragic. Because right there it is expressed, not only the legality but the legitimacy of the government. The instances that comprise 80 percent of the complaints concern attorney

generals, the correctional system, the police, and the defense attorneys--public defenders. We see in a very tragic way that one part of the justice system is precisely to violate human rights. That is really tragic. The problem is it really destroys the principle of equality in the law, we are not all equal, it depends on your money and your relationships, the color of your skin, if you are indigenous or if you are white, and it even depends on if you are a woman or if you are a homosexual.

Let me give you an example, 55 percent of the complaints are filed by women, but they don't report the violations against women, they go and they file complaints, they report about some kind of wrongdoings with their boyfriends, their husbands, their sons, their fathers. And in their attempt to denounce these violations of their relatives, they themselves become violated, their rights become violated.

One time I went to this prison and an inmate told me in a very vehement way that I will always remember, look, in the jail there are only the poor people and dumb people.

(Laughter)

Of course there are some exceptions, but that reflects the structure, the reality.

Another thing I wanted to mention is the relationship of human rights and security, because what we see now is terrible confusion at three levels, the problem of national security, the public security and the citizens' security. And what is happening is that the codes of national security are becoming the codes of public security. That means that one of the very, very

grave consequences of September 11 is to see that the enemy is inside. And that contributes to and increases the lack of trust between the people and the security agencies.

Many times the relationship between the people and the entities of security is one of lack of trust. There is an extremely interesting study that shows that people don't have all the trust that the police need, but at the same time the police do not trust the people.

This confusion between national security and public security is increasing the problem. On the other hand, there is a false debate that the increase in security equals the reduction or the diminishing of the human rights. That is extremely dangerous for our democratic system, for two reasons. In the first place because security itself is a right, and the second one, which is very important, is that the state should do what it has to do. That means the state cannot create crime in order to combat or to end crime.

The dilemma is that what we are living, at least in Mexico City, is that the police are acting outside the law in order to make the others comply and obey the law. For me it was a very unpleasant surprise to see how the leftist government would hire Rudolph Giuliani as a consultant. So in Mexico we were talking about zero tolerance, and I'm sorry to tell you but that is really very stupid. Half the population is under the poverty line and they are using a model that would preserve the concept of insecurity. On top of that, the government got some rich managers to pay to Rudolph Giuliani four million dollars for

that consulting. It would have been better to donate that money to some education program.

So what I am asking you is what is the mission of the Commission on Human Rights: it is to defend the rule of law in a democratic state, in a democracy. That's why we have to understand that security is not just the problem of police and thieves, it's a joint problem of the whole society. All together, we have to participate in mechanisms of prevention and the fight against insecurity.

The Commission also is concerned with and carries out other works of prevention, and works synergistically with agencies of the civil communities. We couldn't do it alone and we shouldn't do it alone. The core of our mission is to contribute with all of the social factors in the building and development of a culture that respects human rights.

Thank you very much.

(Applause)

MR. STONE: I don't know when you're going to get to eat.

MR. ALVAREZ: Me too.

(Laughter)

MR. STONE: I don't know if you're going to get to eat.

(Laughter)

MR. STONE: But let's just open the floor to some questions and you can eat a bit in between the questions.

MR. PENNINGTON: My question is why would Mexico call

Giuliani in anyway to look at doing a zero tolerance in Mexico City?

MR. ALVAREZ: Because they didn't know you.

(Laughter)

MR. ALVAREZ: I really don't know, I really don't know why they did it.

MR. PENNINGTON: Were they having so many problems in the city that they thought he would be able to come in--

MR. ALVAREZ: In my opinion, my personal opinion, it was kind of a pragmatic decision, the mayor wants to be president, and the chief of police wants to be mayor.

MR. PENNINGTON: I see.

MR. ALVAREZ: So they tried to give fast results on security. There is a problem, a real problem about security, but the perception on insecurity is much more bigger than that. So there are a lot of pressure in the media about--

MR. ALVAREZ/MEYER: To reduce the sentences and to put your foot down.

MR. ALVAREZ: The decided this about trying to be more for solutions. That's why they asked some entrepreneurs, some businessmen, to pay Giuliani, in fact there is no public money--

MR. PENNINGTON: Oh, it wasn't public money, it was private money?

MR. ALVAREZ: They looked out and said, okay, we have to pay.

MR. STONE: Like the Police Foundation.

MR. ALVAREZ: Of course at the beginning he just gave recommendations about professionalization, training, technical issues, but also other concepts that have consequences, they changed the law--

MR. ALVAREZ/MEYER: The criminal code.

MR. ALVAREZ: The criminal code. For example, in four years we have doubled the number of people in jail. When I came into the office in the year 2001, there were 16,000 people in jail, last December there were more than 32,000, young people, poor people. And it is unbelievable because now the jail system is a sort of crime university, so people went out much worse than they came in. So that is a kind of consequence.

When I hear you, I really like that you were the one that people talked to, maybe we should do it.

MR. PENNINGTON: I wouldn't charge as much.

(Laughter)

MR. STONE: Can you say something about the size of your commission, how many staff you have and how many complaints? How many reports you get from citizens in a year, particularly in the non discrimination, in your non discrimination track.

MR. ALVAREZ: We have a citizen board, elected directly by the--

MR. ALVAREZ/MEYER: Legislative assembly.

MR. ALVAREZ: It's like local congress. And myself, we are the council, the board of directors, we can say so, the ten people are honoraria, they don't receive a salary, the people are activists of human rights, journalists, researchers,

professors. We have 442 people in the commission--

MR. BAGNERIS: How many?

MR. ALVAREZ: 442 people.

MR. STONE: Staff, employees?

MR. ALVAREZ: Yes, our staff.

MR. STONE: Bigger even than Pat's operation.

MR. BAGNERIS: That's for all of Mexico?

MR. ALVAREZ: No, Mexico City.

MR. BAGNERIS: For just Mexico City?

MR. ALVAREZ: Yes.

MR. STONE: 80,000 police, 442 --.

MR. ALVAREZ: Mexico City has 327,000 employees, the Mexico City government, 327,000 employees. So when you think Mexico City, multiply by thousands. Of course it's a different concept, we have 21-22 million people in the urban area. And we have 110 lawyers, we have to work 24 hours a day, 365 days a year, we can't close, at every time we have to have lawyers. For example, the people who are in jail, 24 percent of our claims come from the jail system, no matter what time it is.

We have a team of educators and training people, we have 40 people who work in the scholar system with NGOs and with professors, with teachers. We work around with 220,000 people a year, directly, giving courses, training them, around 20,000 children came to the Commission. We have a special place for the children, we call it the House Street, it's like a certain kind of interactive exposition, so we play with children talking about rights. We play with them. So we have 12 people, young people,

as you say, 18, 19, 20, 21 years old, talking with children, playing with them.

And also, with teenagers in certain areas in the city in which the insecurity is very high. So we tried to set up with them groups of rights, if we can say so. We can use their own language to set up a culture of rights in different areas of the city. We have three different teams that go around the city, everywhere, especially in the poor areas with this training team.

Our budget is \$21 million a year, for all the work. In the defense program we have about 46,000 claims that came into the office, when people came into the office we have to focus if we have competence to work with, because we can't intervene in the judicial system, we have no competence for the judicial action. So we can't say if somebody is guilty or not, so we can't tell the people where to go, we can't do anything about it. We also can't intervene in labor problems, we have to refer people to a special tribunal for labor problems. And we also can't act in electoral matters, we have no competence on that.

So a lot of our work is a certain kind of orientation. We have around 10,000 claims a year referring to the attorney general, the jails in the city, which is really critical, the police and public defenders. We've been working very hard on this program of non-discrimination, which is in fact a very new one. This commission is quite new, in fact the Mexico City Human Rights Commission will be 14 years old this year, the National Commission will be 16 years old, which is the oldest.

This is a very fast process, the National Commission

started as an office of the Minister of the Interior and in 1999 became an independent one. It is a federal institution, and we have two labels, the federal one, which is the National Commission, which is in charge of the federal authorities, the president, the army, the navy, that kind of thing. And we have a commission for every state, we have 31 states and the federal district, which is the same idea of Washington, D.C., which is Mexico City.

So we have 32 local commissions, I am one of the local commissions. Mexico City, because of the size, is the biggest of the local commissions. And we set up a very intensive program of non discrimination with different groups, we have groups that work with children's rights, with women, with lesbian and gay organizations, with environmentalists, because we think with a common agenda we can go faster. But the problem is--

MR. ALVAREZ/MEYER: It's a little frustrating.

MR. ALVAREZ: Because people have no conception of the right of no discrimination. We have time to make certain advertising on radio and television. We have around 40,000--

MR. ALVAREZ/MEYER: We have like 40,000 spots per year.

MR. STONE: 40,000 television and radio advertising.

MR. ALVAREZ: Almost 35,000 in radio and 5,000 in television, which is state time, we don't pay for that. So we have been pushing non-discrimination and we don't have more than 150 claims of discrimination, because people don't conceive of discrimination as a problem, they think it's normal.

MR. STONE: They think discrimination is normal.

MR. BAGNERIS: What role does the Catholic Church play in terms of the gay and lesbian community? And is the gay and lesbian community organized enough to speak to the church's non-tolerance?

MR. ALVAREZ: There are a few groups, very progressive and very coherent groups vocalizing human rights, and they support, but just a few. The hierarchy is a disaster in my opinion, and I am Catholic. The hierarchy is an absolute disaster. The Catholic Church in Mexico is very important, 95 percent, 92 percent are Catholic, and they have a very aggressive speech, but a conservative one. We don't talk about lesbians and gays, even AIDS, for example, they are very aggressive on that agenda, and they have a certain kind of--

MR. ALVAREZ/MEYER: They achieve their goals.

MR. ALVAREZ: Because they have a lot of influence on the people who vote. For example, three years ago we were discussing a law for lesbian and gays in the city, and the Bishop of Mexico pressured the mayor not to run that law, not to support that law. So he took the law to the -- nothing happens. That's the kind of situations. But the general description is running very fast, five years ago, ten years ago we never thought to talk about this in public, we never thought to even discuss this. So I am certain that in ten years time, 20 years time, the situation will change. Because people are not idiots--

MR. BAGNERIS: I want to ask a question. I was in the Yucatan, I was told by my tour guide, because he knew I was

involved in human rights, that you had indigenous people that worked in people's homes, particularly the Spanish in San Cristobal, down in the Yucatan, that would go in to work in a house for a week and they wouldn't get paid, they would be given something at the end of the week like a piece of clothing or whatever, I was really appalled, in 2006, that people would do this. Was this a myth or is this reality in some of the areas in Mexico?

MR. ALVAREZ: Nine percent of women who work don't receive any pay, all over the country. That kind of thing still happens. Because they take part in the family business or because of that kind of situation is not the regular one, it's an exception but it exists. Even in different cities, you don't need to go far away, it's still a problem, especially related to indigenous people. It's racism in my opinion.

MR. STOW: You mentioned that color was an issue, you mentioned in your earlier comments--

MR. ALVAREZ: Can you repeat that?

MR. STOW: Color was an issue. When one thinks about everyone being Mexican, our concept here is that there are many of us who have come here from all parts of the world and we all, so you can see very clearly the differences. But when you think about being in a culture that is pretty much all the same, same language etcetera, that you would not have discrimination that occurs.

MR. ALVAREZ: Of course, the problem is we don't recognize it. Let me tell you in these words, if it walks like a

duck, it eats like a duck, it has a lot of friends who walk like a duck, if you tell him it's a duck, he gets angry. It's exactly the same with the word indigenous, we have indigenous grass roots culture, food, flag, but when you want to say a bad word to somebody, just tell him Indian. Mexico is a very racist country, but the problem that we don't recognize, ten percent of our people are indigenous, but who has no indigenous blood, who has no culture, in our country, indigenous culture: everyone does. If you want to say something bad you say "you look Indian."

But the problem is some people react, say I don't know what you're saying, I'm not Indian. It's an invisible problem, we don't recognize, the same is true to relationships, there are some, when you see the structure of the country you always see white people or Spanish people, you don't see indigenous people in universities, in churches, in government, you just look around, if you went to Mexico City, when you look at the corners at the traffic lights, you see indigenous people. When you visit the airport or the bus terminal, the people who are cleaning are indigenous people.

When you look at statistics, when you say indigenous in Mexico, you are saying poor people. So I am talking to that. There around eight percent who don't know how to read and write, those people are in the rural areas. Those are indigenous people. And if you talk women, indigenous women, the situation is much, much worse than that. But the problem is that we don't recognize that, because we say we are one country, one language, but the problem is the people who don't speak Spanish, if they

want to get involved they have to speak Spanish. I used to teach in an indigenous area, 400 kilometers away from Mexico City, it's a rural university. I used to have students who speak Spanish and Nahuatl, Nahuatl is the much common language, indigenous language in Mexico. I have 20 students, one third speak Nahuatl. And when I ask them, do you teach your children how to speak Nahuatl, 50 percent say no, because when they go to school they--

MR. ALVAREZ/MEYER: Disadvantage.

MR. ALVAREZ: They have a disadvantage to the rest because the teacher speaks only Spanish and they don't understand. So, young people don't like to teach their own children to speak Nahuatl. It's a tragedy, it's a tragedy. But the problem is we don't recognize it.

MR. PENNINGTON: I just had another question. Two years ago the State Department hired me to go to the country of Paraguay, and I went, because they had a problem with corruption, and the traffic cops stopping people, they were getting paid and in addition to that kidnapping, where the police was involved in helping kidnapers. Now Mexico City, I don't know, I might be wrong, but doesn't it have a perception of bad cops?

MR. ALVAREZ: Yes.

MR. PENNINGTON: So what are you all doing to address that in your country? Or what is the government doing to address?

MR. ALVAREZ: There are three different strategies. The first one is the federal government is trying to run a reform in the justice system. Second, the local government is also

trying to do so, but in my conception they are not doing as much as we need. And third, what the commission and some civil society organizations are doing is, we are trying to focus on certain paradigmatic cases. We're trying also to set up a very intensive training program, and we are trying also to vocalize and give a true conception of the police. Because when I said we have 80,000 policemen in the city, they took four days to let everybody, for example, I will pay this way and not in this way, just that important view for the policeman, they take four days to say something. And I think we have to change this. The problem is the government--

MR. ALVAREZ/MEYER: Authorities many times, instead of having indignation, they had the negation.

MR. ALVAREZ: Look, what I want to say is when we set up certain paradigmatic cases that we expect from mayor is be the first one on the list, be the first one to--

MR. ALVAREZ/MEYER: The first one to shout out.

MR. ALVAREZ: To shout out, and from time to time they are the one to say no, and nothing happens. The problem with that is they send the message of impunity, maybe they don't think that but the troops receive that message, nothing happens. And certainly now there is much, much denounced about those kind of problems, people start denouncing corruption much more than in the past, but corruption is still a serious problem of the system in Mexico.

MR. BAGNERIS: For years the PRI and PRD competed, the two parties, the party that was in the longest is now out;

has that improved the conditions in the political arena?

MR. ALVAREZ: The electoral system changed dramatically in the last 15 years. Now we have, this is a very good example of how do citizens gain space in the public arena. Now we have an autonomous authority, a federal one. I remember in 1992 I was invited, with different NGOs of Latin America, when just, when Clinton just arrived, and they were talking about the electoral system. After the Bush election I don't want it to be like here. And I say that because now the electoral system is quite good in Mexico.

The problem is not that, the problem is the question of poverty. And the political parties are still running, sometimes offering things to poor people. We will have federal elections in 50 days, something like that, July 2nd. The one in the central left, the PRD, used to be in the top of the surface, but not anymore. Three or four weeks ago he descended to second place and Phillippe Calderone now is on top. But there is a very big--

MR. ALVAREZ/MEYER: Proportion.

MR. ALVAREZ: Proportion of the people who don't know what to do, so we will have--

MR. STONE: A big finale.

MS. BEEMAN: This is somewhat unrelated, but directly related in some ways. Can you explain how in Mexico you managed to decriminalize possession of small amounts of drugs? It seems like that could never happen here, but that drives so much of our criminal justice system here, possession of small amounts of

marijuana or cocaine. How was that possible in Mexico?

MR. ALVAREZ: Related to drugs, the big problem in Mexico is not the consumption, it's the trafficking of drugs. Mexico is not yet a consumer country of drugs, the main problem is production and the trafficking that comes from Central and South America. So today the public agenda doesn't look at possession as a legal problem. The key point is the narcotic trafficking, that's why we have so much violence in the north, because the gangs are fighting for the market, related with the cartels of Colombia.

Recently they passed a law exactly with the purpose, if the police catch you with some marijuana or something, you don't have any problem. The problem is when you are trafficking or you are producing. But in my opinion, another consequence of September 11 is that some borders changed, and a lot of drugs have stayed in Mexico. And now Mexico is starting to be a consumer country, that has happened in Mexico City, for example. So if we don't look in a five year period, ten year period, we will have a very, very serious problem of drug consumers which is really serious, really serious. And there are some people saying to Congress you are making a very bad decision, with no long term perspective.

MR. STONE: Robin?

MR. TOMA: You might have heard the gasp when you said you had 442 staff, because even proportionally my staff would be over 200, in proportion to yours. How did you get such a large staff and is it a political challenge that when you are

pushing key human rights issues that are targeting the federal government or your appointing authority, or the authority that has control over your budget, that you have to be concerned about potential repercussions to your budget, based on your activities?

MR. ALVAREZ: There are different aspects. My budget is independent. I ask the local congress for the budget, I don't ask the government. So the local congress decides. I ask my council, I present a project, we're going to spend this, this, this and this, and I send it to the mayor. And the mayor, just like it is, he puts it in the city budget and sends it to the local congress. The local congress is the one that decides my budget, the government can't touch my budget, my team are the ones who manage the budget, every month, every few months I receive, and we run the budget, it's a part of autonomy.

MR. TOMA: IF you say, for example, report about having hundreds of complaints that are legitimate, from the jails, and the jails, let's say are run by the local--

MR. ALVAREZ: Government.

MR. TOMA: --local government, then do you ever have problems with them saying, you know--

MR. ALVAREZ: We have a lot of problems, a lot.

MR. TOMA: But they still will slot your budget and send out money?

MR. ALVAREZ: As I said, we have to manage the conflict. We have to manage the conflict, and a very critical issue is the budget, because it's a very effective way to affect the autonomy. But if they try to do so, immediately I went out

to the media, and I went out with the NGOs, I went to the international community, and we shout a lot. So they don't do it. Of course we are not a priority, we are about .15 percent of the total budget of the city, we are not exactly a priority. I know that it's a lot of money, but we have such a big mission related to defense, education, training, promotion. We publish around one million different materials, books,--

MR. ALVAREZ/MEYER: Posters.

MR. ALVAREZ: Posters, whatever you want. So we have a very big mandate. Of course I know that sounds like a lot, it is a lot, but looking at the situation of the human rights culture in Mexico, I think that we need it. In the future maybe it will change, in the future.

MR. STONE: Ken, how big is your staff?

MR. SAUNDERS: 31.

MR. STONE: And the population is?

MR. SAUNDERS: About 570,000 now.

MR. STONE: So it's at least not radically off in proportion.

MR. ALVAREZ: We are running a change, 80 percent of our budget falls in salaries. When I came to the office we were 350, four and a half years ago.

MR. STONE: You've done very well.

MR. ALVAREZ: But we have just five email addresses; one for me and four shared by 342 people. It took us three years to set up a technological program. We set up a program, we bought 150 computers, and trained people, because we have people

who don't know how to use a computer, some lawyers, unbelievable. Now we can receive complaints by e-mail. But this is a whole change of culture, instead of using paper, using electronic mail, for example. We set up a civil servant process, we didn't have one, now we have a civil service process.

So no matter who is in charge, the people will still work in the commission, which is really important, we are putting a lot of money into training them, with international standards. We are sending people to Washington to the American University, the Academy of Law, were sending people to San Jose, to Costa Rica, we're training them.

So when I leave the Commission we will have a very professional team, who work with international standards. And it is also for example, relative to gender issues. When I came to the Commission we had 26 drivers, all of them men, now we have three women. At the beginning we had just one, and we had to protect her because the rest were like wolves. I had to take her with me for six months; now we have three women.

Slowly we are changing the perception and the conception. What we are trying to do is involve society in the structure of the Commission. We try to involve lesbian and gay people in our structure. We try to involve young people in our structure. We hire people 75 years old in our structure, trying to be a copy of our society. But it is not as easy as we want, it takes time, it takes money, and it's a problem of relations inside the Commission from time to time, even though we are working on human rights. Because people are still looking in a

different perspective, it's not easy.

MR. STONE: Ryan?

MR. GOODMAN: To what degree do you have interactions with your counterparts in other local commissions in Mexico, and then in the region, so national human rights commissions throughout the Americas and globally? And is there work that is done especially within Mexico that is of a political nature, as a solidarity or coming to the defense of or making statements in defense of, or collaboration with your counterparts in other areas, or is it even just information sharing, so something just like this? And what do you see as the costs and benefits of those kinds of projects?

MR. ALVAREZ: They are different kinds of relationships, the national commission is a second instance of the local commissions. If someone doesn't like our resolution they can appeal to the national commission, a certain kind of second instance. We have some projects in common, but to be honest, we don't have a very similar conception. So, we work very closely with six of our partners, we ask the European Union to support the project of training for--

MR. ALVAREZ/MEYER: The institutional strengthening.

MR. ALVAREZ: The European Union gave us one million dollars to train people for a two year period in different states. We work very closely trying to set up common models and strategies. With the rest we have a formal relationship: there is a federation of the commissions, we have a meeting twice a year, a formal one. We have very strong relations with some

Latin American commissions, with those in Central America, very strong relation, and some in South America. There is something called the Interior American Ombudsman Federation, which is also a formal one, but we cross agendas with those that we can work with. So we exchange programs, materials, people, books, whatever we want.

So with some people we do as much as we can. With some people we try not to have problems. We don't--

MR. ALVAREZ/MEYER: There is very little love, don't waste it in jealousy.

(Laughter)

MR. ALVAREZ: So we work with them, I don't want to fight with them, people don't pay my salary to fight with them, I make as much synergy as I can. But there are some people I work with very closely, trying to set up a common structure and focus on this perspective with them.

We have a very intensive action with some UN groups or committees, also with the Inter-American Commission, the president of the Inter-American Court is a Mexican, so we have a very close relation. We have a certain intensive international agenda, not as big as it could be because we are a local one, and we do not have enough resources and time to do that. Tomorrow morning I am going back to Mexico, midday, because I am running all the time.

But I think in the human rights field I think it is very, very important to have a strategy of relationship. And also we have a very important relationship with civil society

organizations, for example, next week Human Rights Watch will go to Mexico and present a report of the Fox period, I am going to present that report.

We have a very strong relationship also with Amnesty International or that kind of organization, because I come from that field. I really feel that the civil society movements start these kind of fights.

MR. STONE: Ken, last comment?

MR. SAUNDERS: Just very quickly, do you have a time frame, in your mind's eye do you see a time when you have civil enforcement or an organization like yours that will be able to, at least administratively, level penalties, fines, and get some type of restitution for individuals that are filing complaints with your office?

MR. ALVAREZ: When I saw what I have to do I feel myself that it's too much, it's too big. When I turn back and I see how fast we got, when I remember when I was a child, referring to the relation with policemen, referring to the political system, referring to all those kind of things, I think we can do it. But I think there are some windows of opportunity, and now, for example, referring to judicial reform, we are trying to set up a strategy with some allies to go even faster. I think in 50 years the situation will be really different. But it is really hard, it's really hard. From time to time, I say this work is so beautiful, on one hand you have--

MR. ALVAREZ/MEYER: Utopia.

MR. ALVAREZ: --and the most beautiful things. On

the other hand, you have the biggest--

MR. ALVAREZ/MEYER: The largest miseries, human misery. The darkest of the human being.

MR. ALVAREZ: I can't refuse--

MR. ALVAREZ/MEYER: I cannot deny the existence of these too, but I can choose.

MR. ALVAREZ: And certainly I think the situation will be better in 50 years. I have just four years now, with my team we have a certain focus, we have a very specific agenda, we can't fight everything, we can't. So we focus on certain priority issues and we go directly to those.

MR. STONE: Go ahead.

MS. GROSS: Sorry, just real quickly I wanted to ask you if you have any involvement with people who are deported from the U.S., and particularly those who have criminal backgrounds, are you involved at all in that?

MR. ALVAREZ: Not really, there are some in the Mexico City jail system, we have some relations with them. But not really, because it's a federal issue, so we don't have a strong link, not really.

MR. STONE: Well thank you very much, this was a fascinating conversation.

(Applause)

(Whereupon, at 8:30 p.m., the session was adjourned, to reconvene the following morning.)

C E R T I F I C A T E

This is to certify that the preceding transcript is an accurate record based on the recordings of the proceedings taken:

In the Matter of:

EXECUTIVE SESSION ON HUMAN RIGHTS COMMISSIONS AND CRIMINAL JUSTICE

Date: May 12, 2006

Place: Cambridge, Massachusetts

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Martin T. Farley  
Advance Services

06/05/06  
Date