



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**CONSTITUTIONAL REFORMS RELATING TO THE
DISAPPEARANCE AND MURDER OF A GREAT NUMBER
OF WOMEN AND GIRLS IN MEXICO**

**DECREE REFORMING ARTICLE 73, PARAGRAPH XXI OF THE
POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES**

**DECREE SUPPLEMENTING THE FEDERAL CODE OF CRIMINAL
PROCEDURE AND THE JUDICATURE ACT OF THE FEDERATION**

DECREE REFORMING ARTICLE 73, PARAGRAPH XXI OF THE POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES

“Single Article.- The first sub-paragraph of Article 73 para. XXI of the Political Constitution of the United Mexican States is amended and a third sub-paragraph added, as follows:

Art. 73.- The Congress has the power:
I to XX.- ...

XXI.- to establish crimes and offences against the Federation and to prescribe the punishments to be imposed for them.

...

The Federal authorities shall thus be empowered, within the provisions of the law, to hear and determine ordinary offences related to human rights violations when they transcend the powers of the States or the Federal District.

XXII.- ...”

“TRANSITORY PROVISIONS

ONE.- This Decree shall enter into force on the day following its publication in the Official Gazette of the Federation.

TWO.- The power of the Federal authorities referred to in this Decree shall be effective only in respect of those ordinary offences involving human rights violations committed after the entry into force of the secondary law passed by the Congress of the Union to that effect.”

(Closing formula)

Official Residence of the Federal Executive, to

**The President of the United Mexican States,
Vicente Fox Quesada**

DECREE SUPPLEMENTING THE FEDERAL CODE OF CRIMINAL PROCEDURE AND THE JUDICATURE ACT OF THE FEDERATION

“Article 1.- An Article 10 bis is added to the Federal Code of Criminal Procedure, as follows:

Article 10 bis.- The Office of the Public Prosecutor of the Federation shall hear and determine ordinary offences in keeping with the third paragraph of Article 73, para. XXI, of the Political Constitution of the United Mexican States.

For the purposes of the previous paragraph, it is understood that hearing and determining ordinary offences is necessary for compliance with international obligations derived from international treaties to which Mexico is party, when investigation thereof reveals acts or

omissions that constitute violations of the human rights of the victims or injured parties, or of the probable perpetrators thereof, provided that they fall into one of the following categories:

I. The human rights violation is derived from a situation of persistent perpetration of the same type of offence, where the local authority has failed to investigate the said offences in conformity with the relevant legal provisions, or

II. The human rights violation has an impact, at the national or international level, on Mexico as a whole, by its nature transcending the interest of the corresponding federal entity.

“**Article 2.-** A paragraph IV is added to Article 50 of the Judicature Act of the Federation, as follows:

Article 50.- ...

I.- to III.- ...

IV.- Ordinary offences which are taken over at the federal level.”

“TRANSITORY PROVISIONS

ONE.- This Decree shall enter into force on the day following its publication in the Official Gazette of the Federation.

TWO.- The power of the Federal authorities referred to in this Decree shall be effective only in respect of serious human rights violations confirmed following the entry into force of this Decree.”

(Closing formula)

Official Residence of the Federal Executive, to

**The President of the United Mexican States,
Vicente Fox Quesada**