



Legal protection of indigenous people and communities in Mexico

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Abstract

Indigenous peoples and communities are groups that have an essential connection with the land and have political, economic, social and religious institutions that make up their worldview, therefore, it is necessary that all authorities guarantee and respect each and every one of the relative prerogatives to issues of this social sector set forth in article 2 of the Constitution of Mexico and in international treaties

Likewise, it is necessary to address the effects of the violation of human rights that they have suffered, with the purpose of stopping or preventing the consequences from continuing to affect the lives of these groups. abstract should summarize the content of the paper.

Keywords: indigenous, participation, protection

1. Introduction

Over the years, values were recognized that the ancient civilized peoples inherited from us and thus, preserving different similarities due to common strength, reason. Consequently, a somewhat harmonious coexistence between men has been achieved; however, the emergence of human rights as currently established in the various legal instruments dates back to events such as the French Revolution and its *French Declaration on the Rights of Man and Citizen* of 1789, that text was a milestone in the evolution of prerogatives in favour of individuals, since, since the promulgation of the Declaration in question, their universal scope was considered.

As a result, a gradual evolution has been generated in a context of respect for and guarantee of the chronological requirements of individuals and civilizations; however, the re-conceptualization of them as multicultural is required, if we seek an effective and common change of humanity

In this line of analysis, it is essential to stress that human rights are the result of a civil agreement that has its origin in the necessary abolition of the absolutist state, which was characterized mainly by the lack of freedoms, abuse of power and concentration of authority on a single person.¹ In this regard, the rule of law is governed under the rule of law, through the establishment of legal institutions that ensure the protection of the freedoms, prerogatives and rights of individuals, as well as through the division of power into different organs.

The foregoing makes it clear that human rights are the basis for just and appropriate relations between individuals, By respecting each and every one of the rights of others, healthy coexistence and the full development of the community are guaranteed. In this way, it is essential to state that they serve as a means of guaranteeing dignity; that is why due respect for them is essential, since they are directly and systematically affected if they are violated.

2. Recognition of human rights for indigenous peoples and communities in Mexico

The innumerable of factors that have led to the achievement

of the subsistence of indigenous peoples today are indispensable and extremely relevant, because of the historical background and the fact that they are rooted in the elements of each culture, religion and the same specificity have encouraged them to maintain their place in society, in politics, in the legal order and in the culture of each country.

The human rights of indigenous peoples and communities, who possess immense natural and cultural wealth, had their first recognition through an international legal instrument in the framework of the General Conference of the International Labour Organization, convened in Geneva by the Board of Directors of the International Labour Office on 5 June 1957 at which *Convention 107* was issued, a document that compiled the international obligations of countries in relation to indigenous communities and tribal peoples.

The Convention 107 recognized a number of rights such as: individual and collective ownership of land, recruitment and conditions of employment, vocational training, handicrafts and rural industries, social security, health, education and media. Provisions on the administration of territories and resources were also integrated with the aim of achieving better living conditions for the inhabitants of the indigenous and tribal communities.

In the 1970s, when the United Nations Organization began to examine indigenous peoples' issues in greater detail, as a result of the fact that indigenous peoples became more prominent at the international level, the approach based on protection and integration began to be questioned as to its limits and applicability. After the study, it was declared obsolete by a group of experts, who maintained that its application in the modern world did not cause any benefit, but caused prejudice to indigenous and tribal peoples in the protection of their rights.

Although the right of indigenous peoples was not fully regulated, it was Convention 169 of the International Labour Organization in 1989, which provided for a wide range of rights of indigenous peoples and communities. At present, however, various countries in the world with indigenous peoples on their territory have endeavoured to marginalize

them, in other words, the authorities have set themselves the task of carrying out, or in some cases allow without sanction actions aimed at the exclusive and discriminatory treatment of persons belonging to that social group.

It is noteworthy that the publication of the Decree promulgating Convention 169 on Indigenous and Tribal Peoples in Independent Countries within Mexican territory in January 1991 was a positive development, because the situation of the indigenous context in Mexico at that time was even less favourable than the current one.

In the above-mentioned legal context, the obligation to which the Mexican State and its various authorities at different levels are subject is affirmed in relation to the aspects related to these populations. Despite the slow progress made in recognizing, protecting and guaranteeing the rights of these communities, there have been two very important constitutional reforms in the Mexican context.

The recognition of the multicultural composition of the Mexican nation was the watershed for these groups, since the reform of 28 January 1992 stated a number of rights in the short paragraph, such as: (a) the right to speak (b) the right to culture, (c) the right to apply their own social organizations and (d) the right to justice. Since then, it has been necessary to guarantee and ensure the proper enjoyment and exercise of all that is implicit in such fundamental rights.²

It is argued that the Mexican State had committed itself to be the promoter and guarantor of cultural diversity in Mexico, also to take into account the specific characteristics of indigenous peoples in their various relations with the State at the time of the application of the law; however, the legislative reform did not bring about a substantial change.

The second constitutional reform mentioned above sought to recognize the rights of the indigenous population in a comprehensive manner. It was thanks to this legislative amendment that the basis for the protection of their rights was laid and, in addition, the objective of guaranteeing access to justice under the jurisdiction of the State was pursued. However, this constitutional restructuring caused a number of criticisms, since it was absent from the participation of indigenous peoples and communities.³

3. Effects of human rights violations against indigenous peoples

The United Nations Department of Public Information stated in the report on the situation of the world's indigenous peoples affirmed that this population, despite being a minority, represents the most important part of cultural diversity worldwide.⁴ Over the years, the various indigenous peoples have experienced multiple tensions with the State and the rest of the population, with the sole purpose of claiming autonomy and respect for each of the elements that strengthen their identity. Together with this, a relationship of rivalry has been generated and, at the same time, the expectation has been enriched by attitudes based on concord.

The special rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, has expressed the intensification of violent attacks on this sector in countries such as Brazil, Colombia, the Philippines, Guatemala, Honduras, India, Kenya, Mexico and Peru,⁵ among others, reflecting a current situation severely worrying for the United Nations; Despite the credible evidence of various recommendations issued to such nations, they have ignored or in some cases have been

minimally adhered to.

With the above, it is indisputable that the consolidation of progress and improvements of these groups requires emphasis on overcoming and eliminating the limitation gap of the full enjoyment of individual and collective rights recognized to indigenous peoples and communities; Likewise, due recognition of the value of each element that structures the identity of indigenous peoples and communities is important.

Under this situation, it is unavoidable to affirm that the study of the law employed by a large part of the indigenous communities in America is a field in which anthropology and sociology converge. Likewise, the holistic view of the fundamental pillars within indigenous life and context, such as health, education, territory, natural resources and their distinctive cultural features, is considered vital.

In summary, the reformulation of the commitment towards them is vital, with the aim of expressing their interest in effectively combating social inequalities so deep that they have been able to deal with resilience over the years; In this way, it would be a reality to build an optimal environment for the well-being of the indigenous population, which entails a series of operational issues based on the inclusion and respect of each of the singularities of the peoples and communities.

Historical discrimination, impoverishment and the loss of traditional forms of subsistence have a severely negative impact on the life of the members of indigenous communities, so it is important that the authorities understand, as soon as possible, that all the processes of environmental impact and prior consultation, go beyond taking into account the opinion of the collectivity, but it is about accepting and respecting their decisions.

4. Conclusion and recommendations

The human rights of indigenous peoples and communities deserve broad protection because of the importance and scope of their identity and worldview. At present, indigenous peoples are demanding to be heard and taken into account, which is why it is necessary to create a more comprehensive mechanism for the effective and effective protection of their human rights.

In the absence of effective guarantees and respect for the rights of persons belonging to these peoples, they will be directly affected. Thus, the comprehensive protection of each and every human right of indigenous peoples and communities does not mean that they are enunciated in various legal acts of a national or international character. In the absence of effective guarantees and respect for the rights of persons belonging to these peoples, they will be directly affected. Therefore, the comprehensive protection of each and every human rights of indigenous peoples and communities does not mean that they are enunciated in various legal acts of a national or international character, but the effective implementation of the provisions of the various legal instruments relating to the subject, but rather that they are effectively.

In conclusion, indigenous peoples and communities must enjoy and enjoy a dignified life, which will be achieved only if the State authorities initially recognize, guarantee, respect and protect the right to self-determination, which is a right of openness, since it implicitly allows the recognition of a body of rights to this section of the population.

5. References

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