



Foro Interparlamentario de las Américas
Fórum Interparlamentar das Américas

Forum interparlementaire des Amériques
Inter-Parliamentary Forum of the Americas

ParlAmericas

Volume III Issue 3 English



Mexico's Congress removed long-standing criminal penalties for undocumented migrants found in the country

Migration under review

The increasing international movement of people is an irrefutable reality of our globalized world. It is a proven fact that beyond institutional agreements and political borders, people move for their own socio-economic reasons and therefore it is necessary to deal with migration as a multifaceted problem.

Aware of this complexity, the Mexican Congress has made a multi-party effort to have its legislation on migration issues recognize and reflect these conditions.

Thus, the recent amendment to the Immigration Act (*Ley General de Población*) was passed unanimously, first by the Chamber of Deputies on September 4, 2007 and then by the Senate of the Republic on April 28, 2008.

Articles 118 and 125 of the Immigration Act were amended and six other articles (including 119, 120, 121, 123, 124 and 127) of the same act were repealed. Instead of considering undocumented migrants as criminals subject to a penalty of up to 10 years in prison, illegal immigration is now considered an administrative offence punishable only by a fine.

Previously, since they were considered common



Photo: Jeinny Solis S.

Hundreds of immigrants head to Mexican cities every year.

criminals, undocumented immigrants were in a vulnerable situation when dealing with the authorities and with organized crime. It is estimated that 43% of them suffered extortion while crossing Mexico or after being arrested.

These amendments will help Mexico meet the following objectives:

- ◆ comply with the constitutional mandate to protect everyone, regardless of nationality, and to respect human rights;
- ◆ fulfill Mexico's commitments to international organizations;
- ◆ fight human trafficking;
- ◆ combat problems on the southern border;

◆ change a law that was out of touch with the new realities of migration.

The amendment is an example to other nations when it comes to protecting migrants and respecting human rights. Also, Mexico's updated legislation provides a sound basis to fight for the rights of undocumented Latin American migrants who cross the border into the United States.

The decree amending and repealing several provisions of the Immigration Act came into force on July 22 of this year (2008), one day after it was published in the official gazette (*Diario Oficial de la Federación*).

External Relations Committee of the Mexican Chamber of Deputies. With the collaboration of Sergio Villa Valle and José Antonio García Morales.

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Drunk driving gets tougher in Brazil

The saying “don't drink and drive” has taken on a new meaning for Brazilians.

Act 11,705, which amends the Brazilian Traffic Code, was approved on 19 June 2008. This legislation, known in Brazil as the “Dry Law”, establishes a fine of US\$ 600 and immediate 12-month licence suspension for drivers caught driving after drinking – any amount of alcohol detected by breathalyzer (previously up to .6 g of alcohol/litre of blood were permitted) or by a blood test to verify the amount of alcohol consumed. For blood alcohol concentrations of over .6 g/litre of blood (two draft beer), in addition to the fine there will be a prison sentence ranging from six months to three years. Bail may be posted.

According to a statement by Dr. Mirta Roses Periago of the Pan American Health Organization (PAHO) published in the institution's bulletin, the Brazilian government's initiative is “model legislation for the rest of the countries in the Americas in which the influence of alcohol plays a disturbing and problematic role in injury and death rates.”

The legislation came into force on June 20 and will cause serious problems for drivers who are involved in

accidents after drinking.

Unlike what happened in the United States in the 1920s, when the Prohibition Act outlawed the selling of alcohol, the “Dry Law” in Brazil provides for a total ban on the consumption of alcohol prior to driving as well as the selling of alcoholic beverages along federal highways.

External factors represent the third major cause of death in

causes of traffic accidents in the country is the consumption of alcoholic beverages. Between January and May, 2008, more than 4,000 drivers were caught drunk.

According to Professor David Duarte Lime of the University of Brasília, if there were no drinking by those involved in traffic (drivers, cyclists or pedestrians), there would be 15,000 fewer deaths (approximately 50% of

located along the federal highways. Bars, snack bars and restaurants located along highways that cut through the urban perimeters of cities are free to sell alcoholic beverages.

Businesses that do not abide by the prohibition are subject to a fine of US\$ 940. In case of repeat offences, the fine doubles and the establishment may be closed for up to a year. Commercial establishments along

Photo: Fábio Pozzebom/Agência Brasil



Traffic accidents have diminished since the legislation came into effect.

Brazil and traffic accidents are the second most common cause of such deaths (25% of external factors in 2000, corresponding to 29,640 fatalities). According to the Brazilian Highway Police (which administers transit on highways), one of the main

deaths in traffic accidents) and 200,000 fewer injuries, and Brazil would save US\$ 6.2 billion.

Ban on sales

The law also bans the selling of alcoholic beverages in commercial establishments

highways must post a notice about the prohibition in a clearly visible place or risk a US\$ 180 fine.



The Panamanian Assembly

Photo: Asamblea Legislativa de Panamá

In the Republic of Panama, the legislature is unicameral and consists of the Legislative Assembly, with 78 members elected on the basis of their party and by direct popular vote for a five-year term. The reform of Panama's Electoral Code reduced the number of electoral districts and limited to 71 the number of members to be elected in future elections.

The most important function of the Panamanian Parliament is to approve laws drafted by the Executive or by members of the legislature. The Constitution specifies the legislative, judicial and administrative functions of the National Assembly. The legislative function of the National Assembly is to pass the laws necessary for the purposes of the State and especially to issue, amend or repeal national legislation.

Bills go through three readings, one in committee and two in the full National Assembly, before they pass.

The debate in committee is where most of the input from officials and citizens who wish to influence the final wording is made. The bill with amendments approved by the appropriate standing committee, of which there are 21, is then presented to the full National Assembly, where it goes through second and third readings.

After third reading, the President and the Secretary General of the National Assembly sign the bill and send it to the Executive for sanction and publication. Exceptionally, the Executive can object to the bill and return it to the National



Panamanian legislators during a session .

Assembly for reconsideration.

The Assembly's role in approving the national budget is one of the most important that any contemporary parliament plays. In passing the government's annual budget, it allocates resources for the various spheres of public activity.

As for judicial functions, it is important to note that article 160 of the Constitution refers to the ability of members of the National Assembly to pass judgment on some important government officials, including the President of the Republic and magistrates of the Supreme Court.

The administrative functions are political oversight mechanisms whereby the people's representatives in the National Assembly can

ensure that the remaining organs of government and other public bodies act as they are supposed to.

The oversight functions involve summoning authorities to inform members on how these authorities are performing their functions. The Executive is also subject to legislative oversight through approval of appointments, including those to the Supreme Court. The National Assembly, as well as the Cabinet and the Supreme Court, may propose amendments to the Constitution.

In May 2009, general elections will be held for all the principal authorities in Panama: the president, 75 mayors, 71 members of the National Assembly, 20 members of the Central American Parliament and 621 municipal representatives, thus

strengthening the democratic institutions of the country.

Roberto Montañez, Technical Secretary for International Relations, Legislative Assembly of Panama

Legislative Assembly (2004-2009)

◆ 78 Deputies

◆ 12 Women

◆ 66 Men

◆ Main parties:

Democratic Revolutionary Party 59%

Panamanian Party (Arnulfista) 20.5%

Patriotic Union 16.6%

Democratic Change 2.6%

People's Party 1.3%



Workshop in Costa Rica

Photo: Jeff Guleserian

Legislators in Central and South America are invited to participate in a three-day workshop on "**The WTO, the Doha Round and Development Challenges.**" The event, co-sponsored by FIPA and the WTO, will take place **November 6-8** in **San José**, thanks to an invitation from the International Relations Committee of the Legislative Assembly of **Costa Rica**.

The workshop aims to deepen legislators' knowledge of the multilateral trade system, the workings of the WTO and the status of negotiations of the Doha Development Agenda. The workshop will also give parliamentarians an opportunity to discuss the content of the negotiations, their effect on countries in the region and the role of legislative authority in trade and development.



The colón, named after Christopher Columbus, is the currency of Costa Rica.

This is the second regional workshop offered by FIPA on this topic; the first was held in Ottawa, Canada, in March 2007. FIPA intends to hold another workshop in 2009 for countries in the Caribbean and North America.

Visit www.e-fipa.org or write to us at info@e-fipa.org for more information or to register.

Women's Group Congress in Colombia

The Group of Women Parliamentarians of FIPA is currently organizing a **Congress** of men and women parliamentarians from across the Americas, entitled: **Towards a Legislative Development Agenda with a Gender Perspective**. The event will take place in **Bogotá**, Colombia, **November 20-21, 2008** and will address

economic, social and environmental issues, focussing on how to advance a development agenda from the legislative branch, and how to ensure that such an agenda includes a gender perspective.

For further event information, please visit the FIPA website at www.e-fipa.org or write us at info@e-fipa.org

About FIPA

The Inter-Parliamentary Forum of the Americas (FIPA) is an independent network made up of the national legislatures of the member countries of the Organization of American States (OAS) committed to promoting parliamentary participation in the inter-American system.

BlogAmericas is here!

Why a blog for parliamentarians of the Americas? Because blogs are a modern forum for exchange, debate, expression and mutual understanding. This blog is your chance to express yourself—as a representative of your citizens, as a legislator and as an individual who believes in the future of our region.

To participate in the current discussion, "V Summit of the Americas: The role of Parliaments and its associated implications" go to www.e-fipa.org and click on BlogAmericas.

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