

# A Non-Discrimination Policy: Gilberto Rincón Gallardo's Contribution

José Luis Gutiérrez Espíndola\*



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Gilberto Rincón Gallardo believed deeply in politics as a privileged space and tool for building agreements—to increase the viability of projects in the interests of society, and to guarantee peaceful coexistence rich in diversity. His life's work could perhaps be summarized in a single phrase, if we borrow the title from one of Bernard Crick's books: *In Defense of Politics*. If there was anything that characterized Rincón Gallardo, it was precisely his per-

sistent defense of politics in response to those who, from very different battlegrounds, opted for violence.

I don't know if Gilberto was familiar with Crick's work. My point here is that he might well have heartily supported the main theses of this British political scientist. He, too, was convinced that politics was the best way to respond to the problem of guaranteeing social order and a peaceful government, without reducing diversity to homogenous unity. Diversity and freedom of expression are the conditions that give politics its potential, and together with governability, are its most noteworthy outcomes.

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\* General Director of Institutional Liaison, Educational Programs and Dissemination at the Conapred.

In a context marked by intolerance, sectarianism and the general discredit of politics, these ideas not only set Gilberto apart from others, but, unfortunately, made him the target of suspicions and accusations of betrayal and being a sell-out. But attitudes like these caused him no misgivings. In fact they probably reinforced his conviction regarding the civilizing value of politics—which for him was a vocation he engaged in passionately. Only this can explain his consistent activism, channeled essentially through his participation in various left movements and political parties, from the Mexican Communist Party (PCM) to the Social Democracy Party, and his last, failed attempt, in 2003, to breathe life into Social Democracy.

Within Mexico's left, generally mistrustful of the utility of politics and the intrinsic value of democracy, Gilberto sought to bring the principles of equality and freedom together in a credible equation. This was especially evident in the discourse he used during his campaign for the presidency in 2000, as a Social Democracy candidate. During that campaign, he placed the issues of diversity and non-discrimination on the political agenda, together with the demands of vulnerable groups that previously enjoyed little public visibility. In the midst of an electoral race dominated by insults and the absence of substantial proposals, Gilberto's initiative was refreshing and promising.

While the Social Democracy party did not endure, the effort was not in vain. Gilberto made sure the issues he had proposed in the campaign were not watered down. After the elections, he dedicated his efforts to inviting academics, social activists and legislators from different parties to promote the fight against discrimination. As a result, the Study Commission against Discrimination was created—a pluralist, civic body that began operations in March 2001 and was chaired by Gilbert Rincón Gallardo.

Its objectives were to develop a bill on non-discrimination and to design a state body that would oversee its compliance and promote the fight against all forms of discrimination. This was not a superficial demand or a bright idea from a group of intellectuals and professional politicians. As documented in a rigorous assessment of discrimination in Mexico (the first of its type), and in the commission's analysis of a number of international instruments in this area, it was urgently necessary to develop a law and a state institution focused on anti-discrimination in a society with the characteristics of Mexican society—specifically, with some of its profound inequalities resulting from discrimination and social exclusion.

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When the commission's work was already underway, discussion began in Congress on incorporating the rights of indigenous peoples and communities in the Constitution. This process opened up the opportunity to also include an anti-discrimination clause—not linked to any specific group, but instead, of a comprehensive nature. Members of the commission lobbied in favor of this clause. The crowning point came that same year when reforms were enacted, including modifications and additions to Articles 1, 2, 4, 18 and 115. A new paragraph in Article 1 clearly expressed the prohibition of all forms of discrimination against human dignity or aimed at eliminating or diminishing the rights and freedoms of individuals.

These reforms also provided constitutional support for the bill the commission was preparing. In November 2001 the commission formally presented the results of its work to the country's president, who promised to promote the legislation. He did so, although after a considerable delay and not before a number of key aspects were cut. At any rate, in November 2002, the president sent Congress the initiative for the Federal Law for Preventing and Eliminating Discrimination, which was discussed and approved unanimously in April 2003.

On June 11 of that year the law was enacted, thereby creating the National Council for the Prevention of Discrimination (Conapred). In recognition of all the work Rincón Gallardo had accomplished and his long history of defending people's fundamental rights, the president appointed him as its first director.

This appointment opened up a new chapter in Gilberto's life. Before that time, he was dedicating his efforts to building a new political party, Social Democracy, together with a large group of party members, and with the intention of obtaining its legal registration in the mid-term elections of 2003 (between the 2000 and 2006 presidential elections).

The new party was not authorized by the Federal Electoral Institute (IFE), on the grounds that it failed to meet all the legal requirements. It did lead the way, however, to the

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possibility that, after the anti-discrimination law was enacted, Rincón Gallardo would be the one appointed to head Conapred, and that is what happened. Gilberto, who had worked within political parties and had been forged within those parties, now faced the challenge of bringing a government institution to life and functioning as a public servant from within the State—which he had always viewed as being open to modifications. He accepted the appointment because he was convinced that even in the context of a conservative government—and perhaps precisely for this reason—it was important to position the issue of non-discrimination on the political agenda and to solidify the institution created for protecting this fundamental right. I had the privilege of being invited to participate on the founding team, and thus had the opportunity to witness, from rather close up, his performance in directing the council. I always had the impression that his enthusiasm for this political-institutional project was similar in magnitude to his wariness of the routines of federal public administration, with its never-ending bureaucratic procedures—which he understood only minimally and found terribly boring.

His life was always about politics, and from that arena, he focused on creating institutions. Perhaps the best example of his work during the last stage of his life was the enormous effort he invested in the United Nations Convention on the Rights of Persons with Disabilities. Mexico, and Rincón Gallardo in particular, as head of Mexico's official delegation to the Durban, South Africa conference against racial discrimination and other related forms of intolerance, made the proposal to the community of nations to write this convention.

Gilberto would often comment that the proposal was not very well received, and not because the delegates in attendance thought it unnecessary, but because they did not believe Mexico had the moral authority to introduce the initiative, since it was not known as a country that had made significant advances in this area. Gilberto would skillfully respond by arguing that precisely for this reason it was impor-

tant for the Mexican proposal to be accepted, that the Convention would serve as a decisive impetus in our country for full recognition of the rights of persons with disabilities.

In the end, the proposal was accepted, beginning a process that would span seven years. Gilberto was one of its most active promoters. As Conapred president, he attended a number of meetings in New York and Geneva and drew upon all his political experience to persuade the delegations from countries opposed to recognizing certain rights of persons with disabilities. And—how absurd!—it was almost as challenging to reach consensus in Mexico's own delegation, since some of the members were also wary of accepting certain aspects of the project.

Because of all these efforts, and undoubtedly due to personal reasons as well—he knew what it was like to have a disability, and it was very clear to him that limitations did not actually originate in the disability, but in the social environment stigmatizing the disability—Gilberto celebrated the convention's approval at the UN General Assembly in late 2007, as well as Mexico's adherence to the convention (he represented our government at the official signing act) and later when it entered into effect.

Officially nominated by the Mexican government to serve on the Convention's Follow-up Committee, Gilberto was about to present his proposal for the work program, when death caught him by surprise. Fulfilling this aspect of the process would have been a happy ending to years of effort, and he would have received the national and international recognition he deserved, but his life was cut short.

I've referred to the role that Gilberto played in the process of the convention's approval, as an example of his commitment to a cause that unquestionably touched the deepest fibers of his being. One of the many valuable things he left to us was his conviction that the institutional struggle against discrimination must be comprehensive—to end *all forms of discrimination*, without exception. Some of the battles he had to wage as Conapred president, requiring both restraint and firmness, involved defending the principle of politics, and more specifically, defending some of the items on the Council's agenda (against discrimination due to HIV, due to sexual preference, or sex-gender identity), countering those seeking to suppress such rights. In the council's institutional consolidation process, the comprehensiveness of the anti-discrimination policy has perhaps been one of the key issues. On this topic and on many others, Gilberto's legacy is still very alive. **NMM**