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Senate Ignores Pleas For Change, Selects Insider Raul Plascencia To Lead Human Rights Commission

by LADB Staff

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International organizations have consistently criticized Mexico for its inability to curb human rights abuses and protect its citizens' basic rights. Some criticism has been directed at the semi-independent Comision Nacional de Derechos Humanos (CNDH), which has been viewed as an ineffective paper tiger that talked the good talk but got very few results. So, with the term of CNDH president Jose Luis Soberanes ending this year, many saw an opportunity for the Senate to pick a new leader who would oversee an overhaul of the agency. Change would be more likely if an outsider was selected rather than a member of the establishment. This did not happen.

After giving so much lip service to the need for change at the CNDH, the Senate picked the new leader from within the commission, Raul Plascencia Villanueva. Plascencia, who held the position of lead investigator (primer visitador) at the CNDH, was elected for a five-year term as head of the commission. His predecessor, Soberanes, served two terms or 10 years. The election attracted strong criticism from organizations that wanted to see a major change in the human rights commission. "[This election] does not bring the change that the CNDH needs," said Sen. Pablo Gomez Alvarez, a member of the center-left Partido de la Revolucion Democratica (PRD). "Plascencia represents a continuity of Soberanes' policies." Supporters insisted, however, that even though Plascencia came from within the ranks of the CNDH, he has the qualifications, track record, and motivation to make the commission into the type of organization that will truly protect human rights in Mexico.

The commission has seen some changes during its 20-year existence. At its inception, the CNDH was under the control of the executive branch, but the Congress made some structural changes in 1998 that gave it more autonomy (SourceMex, October 07, 1998 and November 17, 1999). Despite its independence from the government, the commission is still considered ineffective and at times supportive of policies of the sitting administration.

New CNDH president pledges changes

In interviews before and after the election, Plascencia acknowledged the need to restructure the CNDH, including increasing the commission's autonomy. "We have to think about some reform that will strengthen the work of the commission," said Plascencia, citing the need to redefine the CNDH's role while not losing important ongoing investigations, such as the murders of 400 women in Ciudad Juarez (SourceMex, February 09, 2005) and the fatal fire at a child-care center in Hermosillo, Sonora state (SourceMex, July 01, 2009). Plascencia, who received 75 votes, won the election with support from the establishment parties, the governing Partido Accion Nacional (PAN) and the opposition Partido Revolucionario Institucional (PRI). The Partido Verde Ecologista Mexicano (PVEM), an ally of the PRI, also supported him.

There were some suggestions that the CNDH election was rigged, with allegations circulating that the PRI and the PAN, which together hold an overwhelming majority in the Senate, had reached a political arrangement. Among those levying the charges was Sen. Rosario Ibarra, who chairs the human rights committee (Comision de Derechos Humanos) in the upper house. Ibarra, a member of the center-left Partido del Trabajo (PT), suggested in the days leading up to the vote that the PAN had agreed to vote for the PRI's preferred candidate in exchange for the opposition party not blocking confirmation of then attorney general designate Arturo Chavez. At that time, Ibarra alleged that the PRI candidate was former CNDH investigator Mauricio Farah Gebara.

Ibarra and members of the center-left coalition, which included the PT, the PRD, and the Partido Convergencia por la Democracia (PCD), were supporting Emilio Alvarez Icaza, who had been director of the CNDH's counterpart in Mexico City, the Comision de Derechos Humanos del Distrito Federal (CDHDF). Alvarez Icaza obtained 32 votes. Alvarez Icaza sought to put a positive spin on the process. "We accept the Senate's decision. I don't necessarily like it, but I have opted to act with prudence," he said. The former CDHDF director said he planned to create a citizens movement to promote human rights in Mexico and keep a close eye on Raul Plascencia's performance at the CNDH. A third candidate, Raul Gonzalez Perez, current counsel at the Universidad Nacional Autonoma de Mexico (UNAM) and one of the lead investigators in the assassination of ex-presidential candidate Luis Donald Colosio (SourceMex, April 07, 1999), received three votes.

Original list included some impressive names

Plascencia, Alvarez Icaza, and Gonzalez Perez were the three finalists from a group of 39 initial applicants seeking the job. The Senate eliminated 13 of the initial applicants, choosing to interview another 26. One of the most intriguing candidates in the early stages was Gen. Francisco Gallardo, who spent eight years in prison for criticizing human rights abuses within the Mexican armed forces (SourceMex, March 13, 2002). Other prominent individuals competing for the job were Patricia Olamendi, deputy foreign relations secretary in ex-President Vicente Fox's administration; Maria Guadalupe Morfin Solis, who once headed the special commission to investigate the murders of women in Ciudad Juarez (SourceMex, October 22, 2003); Ricardo Sepulveda, a consultant on human rights to the Organization of American States (OAS); and Javier Moctezuma Barragan, the CNDH's technical secretary and a former deputy labor secretary during the administration of ex-President Ernesto Zedillo. Some observers said the participation of civil society in the debate leading to the CNDH election was stronger than it has been at any time during the commission's 20-year existence. "Never before has this election attracted so much interest from so many organizations," wrote syndicated columnist Miguel Angel Granados Chapa.

Many candidates received endorsements from nongovernmental organizations. For example, the lawyers organization Union de Juristas de Mexico was solidly behind Gen. Gallardo. "We consider him to be a man with a very distinguished profile," said the organization's president Eduardo Miranda Esquivel. "He is a social activist and advocate for human rights, not only for issues of interest to him but also for the community at large." The anti-crime organization Movimiento Blanco, a group that seeks to end kidnappings in Mexico, strongly endorsed Plascencia. Organization spokesperson Cecilia Gonzalez Guzman said Plascencia has vigorously supported transparency and placed a strong emphasis on victims' rights in the fight against crime. State human

rights commissions in 27 states also endorsed Plascencia. Among the handful of state agencies that backed a different candidate was the CDHDF, which supported its own leader Alvarez Icaza. He also received the endorsement of a group of 500 civic organizations, including the Centro de Derechos Humanos Fray Francisco de Vitoria. "He is close to the people, effective, impartial, and honest but is also not afraid to step on anyone's toes," wrote Laura Elena Herrejon in the Mexico City daily newspaper *El Universal*. "He did not hesitate to offer recommendations and expose bad government officials." Several civic organizations were pushing for Suprema Corte de Justicia de la Nacion (SCJN) Justices Mariano Azuela and Genaro Gongora Pimentel to take the job. Both declined to leave their posts on the court.

Abortion, other issues surface during debate

Other issues came into the discussions and debates about the candidates, including their stand on reproductive rights and abortion. The Archdiocese of Mexico, through a spokesperson, rejected Alvarez Icaza for his pro-choice stand. It said that the right to life is one of the most basic of human rights. The diocese, however, did not endorse any candidates. "We are not supporting a particular individual," said spokesperson Hugo Valdemar Romero. On the other side of the coin, groups like pro-choice *Catolicas por el Derecho de Decidir* (CDD) called Plascencia's election "a very discouraging development" for women. In an interview with *Cimacnoticias*, CCD spokesperson Elizabeth Placido said Plascencia would simply be following the policies of Soberanes, who sought to stop Mexico City's abortion-rights law. The SCJN eventually ruled in favor of the law (SourceMex, October 15, 2008). "The senators failed to conduct a deep analysis [in this election]," said Placido. "They did not consider what their decision would mean for women."

For many critics, the only way the CNDH could change is if its new leader did not come from the UNAM academic legal community, especially the Instituto de Investigaciones Juridicas (IIJ). Three of the four people who have led the CNDH since its inception, Jorge Carpizo, Jorge Madrazo, and Soberanes, have come from the IIJ. The fourth CNDH leader, Mireille Roccati, is the only woman to have led the organization. She came from a different legal academic institution, the Universidad Autonoma del Estado de Mexico. Two of the finalists, Plascencia and Gonzalez, not only had ties to the IIJ but at one time held important positions within the institute.

International advocates also weigh in

There was so much impetus for change that several international human rights organizations weighed in with letters to the Senate before the vote took place. Irene Khan, secretary-general of Amnesty International (AI), asked the Senate to make a decision that would improve the CNDH. "The commission's deficiencies have damaged its credibility and have limited the advancement of human rights protections in Mexico," said Khan. Khan acknowledged that Mexico had implemented some reforms to strengthen the CNDH and give it more autonomy. She noted, however, that these changes have been insufficient to help the CNDH meet expectations created when the commission was formed 20 years ago. "The extensive questioning at both the national and international level about the performance and effectiveness of the CNDH is well-known to all of you," Khan said in the letter to the Senate. The UN Office of the High Commissioner for Human Rights (OHCHR) urged the Senate to select a new CNDH leader who was impartial, had a track record of defending

individual rights, was supported by society, and had a broad knowledge of all human rights issues. The OHCHR recommendation was part of a larger report in which the organization criticized Mexico for failing to protect members of nongovernmental organizations involved in various aspects of human rights.

The organization documented 128 cases of aggression against human rights workers in Mexico between January 2006 and August 2009, including 10 murders. The report said the largest number of aggressions occurred in the states of Oaxaca, Guerrero, Chiapas, Chihuahua, Jalisco, and Mexico City. Except for a handful of cases, the perpetrators were not punished, said the OHCHR. "It is worrisome that human rights workers have come to assume that these aggressions would be a natural hazard of their work," said the report. Human Rights Watch (HRW) did not weigh in on the debate about the CNDH leader but wrote a letter urging the Senate to consider two structural deficiencies in Mexico's human rights policies as it debates related constitutional reforms. The first concern raised by the Washington-based organization was a 2007 ruling by Mexico's high court that said Mexico's Constitution carries more legal weight than international treaties subscribed by Mexico (SourceMex, February 21, 2007). The other concern was about policies that allow the Mexican government to expel foreigners without the right of due process. The organization said this policy creates the opportunity for arbitrary deportations, a violation of international protocols.

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