U.N. Human Rights Review Urges Mexico to Improve Protections for Journalists

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Category/Department: Mexico
Published: 2013-10-30

Mexico’s inability to protect journalists and human rights defenders were among the issues raised during Mexico’s second Universal Periodic Review (UPR) of human rights, held in Geneva on Oct. 23. The process, which comes under the auspices of the UN Human Rights Council, allows a country to present an update on advances in human rights over a four-year period but also provides the opportunity for fellow members of the UN to offer their assessment on the state of human rights in the presenter.

The biggest concern raised in Mexico’s UPR was the continued siege against journalists and human rights advocates and the lack of resolution for a vast majority of the cases. Several countries pointed to statistics compiled by the representative of the UN Office of the High Commissioner for Human Rights (OHCHR) in Mexico City, which indicated that 98% of the attacks remained unresolved. The report said 44 journalists were murdered between 2009 and 2012, another 45 disappeared, and 309 were deprived of liberty. The figures are consistent with data provided by journalist organizations and Mexico’s semi-independent Comisión Nacional de Derechos Humanos (CNDH), which reported that journalists have suffered 126 attacks since 2000. The CNDH said prosecutions have occurred in only 24 of those cases, and only two of the prosecutions resulted in convictions (SourceMex, Aug. 1, 2012).

The report included admonishments from several countries urging Mexico to improve its protection of journalists. These countries included Switzerland, Norway, Spain, the Czech Republic, Austria, Finland, France, Germany, Tunisia, Slovakia, the Netherlands, and Poland. Some of the countries urged Mexico to extend protection to social media. Recent reports show that bloggers and tweeters have been threatened by drug-trafficking organizations in states like Tamaulipas for divulging their movements (SourceMex, Feb. 20, 2013).

Part of the problem, suggested some of the countries, is that Mexico lacks the resources to address the situation, even though the Mexican government has created agencies such as the special prosecutors’ office set up in 2006 to investigate crimes against journalists (SourceMex, Feb. 15, 2006, and Feb. 24, 2010). The Mexican Congress and the administration went one step further in 2012 by strengthening constitutional protections for journalists (SourceMex, March 21, 2012).

"The mechanisms created to protect advocates and journalists are an important element for the protection of human rights. Therefore, Switzerland recommends that Mexico offer guarantees that there will be sufficient economic resources and that qualified personnel be hired so that [these agencies] can function adequately," the Swiss delegation said, echoing comments from Norway, Austria, and Spain.

The lack of protection for journalists and violations of human rights have also come up at the state level in Mexico. For example, in April, Veracruz Gov. Javier Duarte’s administration came under severe criticisms on two fronts. First, the administration was accused of not properly investigating the murder of Regina Martínez, a reporter for the weekly news magazine Proceso (SourceMex, April
And then when the Veracruz government intervened, authorities might have arrested the wrong person. Jorge Antonio Hernández was detained after confessing to killing Martínez during a robbery.

In August, the state’s highest court (Tribunal Superior de Justicia del Estado, TSJE) overturned the conviction on the grounds that authorities resorted to torture to obtain Hernández’s confession.

The doubts raised about the case prompted the CNDH to again bring up the question of impunity. If Hernández did not kill Martínez, this means that the journalist’s murder remains unresolved. "The CNDH issues an appeal for an end to impunity," said the organization. "We want justice to become a reality and seek an end to attacks on journalists and communications media."

Other areas of improvement suggested
The UPR for Mexico contained a list of 176 areas where the country could make improvements. These included eliminating torture; ending the controversial detention of suspects without charging them—known as the arraigo (SourceMex, June 12, 2013); combating discrimination and violence against women, children, indigenous peoples, and immigrants (primarily from Central America); and dealing with the tens of thousands of Mexicans who have disappeared since 2006 (SourceMex, Jan. 23, 2013).

The number of recommendations was more than twice as large as the list presented during Mexico’s first UPR in 2009.

Observers said it would not be easy to address the recommendations fully, and Attorney General Jesús Murillo Karam acknowledged that, for Mexico, the task has been much bigger than the country has been able to handle, particularly regarding the more than 26,000 people who have disappeared.

"And it’s not like Mexico is not working on improving its human rights record," columnist Yuriria Sierra wrote in the Mexico City daily newspaper Excélsior. "Despite Murillo Karam’s comments and the recommendations made by more than 80 countries that evaluated our country in Geneva, some progress has taken place since the last evaluation was conducted four years ago."

Sierra pointed in particular to the expanded use of the recurso de amparo (recourse for protection), which President Enrique Peña Nieto’s administration made official in April of this year (SourceMex, Oct. 2, 2013), and the 2011 reform to the Mexican Constitution that codified protection of human rights (SourceMex, May 25, 2011).

UN countries acknowledged other efforts by Mexico to improve the life of its citizens, including the Pacto por México, an effort by the major political parties to work together on important reforms (SourceMex, Dec. 5, 2012), and the president’s campaign to eradicate hunger in Mexico (SourceMex, Jan. 23, 2013).

Mexico to offer official response in March
Foreign Relations Secretary José Antonio Meade, who was on hand to present Mexico’s self-assessment under the second UPR, said the 2011 reform recognizes the transcendence of human rights contained in the international treaties to which Mexico has subscribed.
Other officials accompanied Meade, including Mexico’s UN representative Juan José Gómez Camacho; Lía Limón García, deputy interior secretary for human rights; deputy attorney general Ricardo García Cervantes; and Coahuila Gov. Rubén Moreira Valdez, who was there as chair of the human rights committee of the Comisión Nacional de Gobernadores (CONAGO).

Gómez Camacho agreed that there is room for improvement in all the areas listed in the UPR. "While we are pleased with our evolution in the area of human rights, we can always improve and intensify any of our efforts," said Mexico’s UN representative.

However, Gómez Camacho’s comments came under strong criticism in Mexico. "The official discourse remains divorced from the reality that our country is facing," said an editorial in the daily newspaper El Siglo de Torreón, based in Coahuila state. "This is the same situation as [the first UPR] in 2009, when several recommendations that were presented have not been fulfilled. With such a stance, one cannot expect much from the current administration in improving human rights."

Despite the responses to the report, the Mexican delegation did not officially accept the recommendations from fellow UN members. Gómez Camacho said the administration would spend the next five months studying the UPR and provide the UN with an official response in March.

Five-year human rights plan due in December

Still, despite the lack of official acceptance, Camacho—who also serves as the deputy secretary for multilateral affairs and human rights at the Secretaría de Relaciones Exteriores (SRE)—made statements hinting that Mexico was ready to incorporate the 176 recommendations into its five-year plan on human rights (Programa Nacional de Derechos Humanos 2013-2018), due to be unveiled in December.

In an interview with the Mexico City daily newspaper La Jornada, Gómez Camacho said the number of recommendations should not be viewed as a measure to grade Mexico’s performance in protecting human rights. He emphasized that each of the more than 80 countries that participated in Mexico’s UPR had its own information, as well as data compiled by nongovernmental organizations and the Mexican government’s own report on human rights. Despite the recommendations, he said, each country recognized that Mexico had made advances in protecting human rights. "But we have a lot of work to do," Gómez Camacho told La Jornada.

"And while the SRE’s deputy secretary for multilateral affairs and human rights declared himself satisfied with the results of the session, organizations like the Red Todos los Derechos para Todos and the CNDH are warning that the government of Enrique Peña Nieto does not recognize the gravity of the violations committed during the past four years," said El Siglo de Torreón.

Other analysts pointed out that many of the human rights transgressions cited in both the first and second UPR occurred during the watch of ex-President Felipe Calderón (2006-2012). "It is important to note that [Foreign Relations Secretary Meade] was picking up the bill for others," F. Bartolomé wrote in his daily column in the Mexico City newspaper Reforma. "The latest evaluation spans four years, and the Peña Nieto government has not served even one year in office."

The editorial in El Siglo de Torreón acknowledged that many of the recommendations on human rights dealt with situations linked to the rise of organized crime in Mexico during the past decade and the ill-advised policies enacted by the Calderón government. "The deterioration of public safety and the confusion that reigns among the law-enforcement agencies in charge of procuring
justice has brought about a deterioration in human rights," said the newspaper. "Not only have
governments lacked the capacity to protect the population but, instead, many have caused citizens
harm through negligence or complicity."

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