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Senate Appoints New Human Rights Ombud in Wake of Guerrero Crisis

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The crisis in Guerrero has claimed two political casualties already, Iguala Mayor José Luis Abarca and Gov. Ángel Aguirre, both members of the center-left Partido de la Revolución Democrática (PRD), but pressure is growing for certain federal officials to step down, including Attorney General Jesús Murillo Karam and President Enrique Peña Nieto. While Abarca and Aguirre are held directly responsible for the disappearance and murder of 43 students from the teachers college near Iguala (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos), anger is growing against the Partido Revolucionario Institucional (PRI) and Peña Nieto for the long delays in resolving the cases of the disappeared students. More importantly, resentment is strong against the PRI and the Mexican political culture in general for promoting and tolerating the conditions that allowed the criminal organizations to thrive in Guerrero.

While neither the attorney general nor the president is likely to tender his resignation, one official with responsibility for the case lost his post: Raúl Plascencia Villanueva, the president of the semi-independent Comisión Nacional de los Derechos Humanos (CNDH). Plascencia had expressed an interest in remaining on the job for another five-year term, but the Senate decided to go in a different direction, particularly in light of what academics and advocates viewed as a deficient job in defending human rights in Mexico (SourceMex, Oct. 1, 2014). An amendment to Article 102 of the Constitution gave the CNDH greater autonomy, placing the decision of the appointment of the CNDH president in the hands of the Senate instead of the executive branch (SourceMex, June 30, 1999).

On Nov. 14, the Senate overwhelmingly approved the appointment of Luis Raúl González Pérez, who served on the legal team of the Universidad Nacional Autónoma de México (UNAM) and assisted in the CNDH during the term of ex-ombud José Luis Soberanes.

As González Pérez starts his term, protests are increasing against the PRD, the PRI, and the Peña Nieto government. The parents of the 43 disappeared students have banded together with representatives from universities, social organizations, and unions from around the country to hold a massive rally in Mexico City on Nov. 20. The rally will actually consist of three separate marches that will begin at different points in the city and converge in Mexico City’s massive central square, the Zócalo.

Other very passionate demonstrations occurred around the country in the first half of November. In Michoacán, students made their discontent known by blocking access to the airport in Morelia and damaging the offices of the center-right Partido Acción Nacional (PAN) in the capital city. In Oaxaca, students boycotted classes at 11 colleges to demand that the government offer irrefutable evidence that the 43 Guerrero students were killed. In Guerrero, demonstrators vandalized several state government buildings, seized control of several major highways, and burned the local headquarters of the PRI in the capital city of Chilpancingo.
The unrest was a symptom of the anger that has been bubbling below the surface since the news of the disappearance and likely murder of the 43 students first became known. The resentment against the government and government institutions contributed to the ouster of Plascencia Villanueva, who has been ineffective in protecting and upholding human rights since his appointment in 2009 (SourceMex, Nov. 11, 2009).

Luis Raúl González Pérez a consensus candidate

Shortly after the Senate decided to part ways with Plascencia Villanueva, a list of potential candidates emerged, which included González Pérez; Mauricio Farah, secretary general of the Chamber of Deputies; ex-deputy foreign relations secretary Patricia Olamendi; Sara Irene Herrerías Guerra, head of the federal agency to support victims of crime; Ricardo Bucio, director of the anti-discrimination council (Consejo Nacional para Prevenir la Discriminación, CONAPRED); and Luis González Placencia, former director of the Mexico City human rights commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF).

In trying to reach a consensus among the candidates, the senators narrowed down the list to González Pérez, Farah, and Herrerías. In the end, González Pérez—who was strongly endorsed by UNAM rector José Narro—received 97 of the 107 votes cast in the Senate.

Some observers see the overwhelming Senate support for the new ombud as a plus. "This political support constitutes, without a doubt, an important asset for González Pérez, particularly given the magnitude of the responsibility before him, which is to reconstruct the CNDH," the daily newspaper La Jornada said in an editorial. "One must remember that the leader of this commission has been challenged for years by different political and social actors in our country because of deficient and erratic institutional performance."

Not everyone endorsed the new CNDH ombud. Sen. Layda Sansores of the center-left Partido del Trabajo (PT) voted against González Pérez, suggesting that the attempt to reach consensus on a candidate occurred during secret negotiations among the major parties before the actual vote instead of a public debate to examine the qualifications of each individual.

Other critics suggested that González Pérez represented "more of the same," given his close connections with Soberanes and his lack of direct experience in fighting for human rights. Jorge Carrasco Araizaga, a columnist for the weekly news magazine Proceso, described the new ombud as "just another person affiliated with the groups in power" and a "member of the elite bureaucracy of the 1990s."

Carrasco pointed out that González Pérez was the author of the report indicating that Mario Aburto was acting on his own initiative and was not part of a conspiracy in the murder of presidential candidate Luis Donaldo Colosio in 1994 (SourceMex, March 30, 1994). There are some suggestions that the report covered up the involvement of the PRI and drug cartels in Colosio’s murder (SourceMex, March 28, 2012).

Furthermore, Carrasco noted that the new head of the CNDH does not have the extensive record of accomplishment in human rights advocacy needed during this time of crisis. "Luis Raúl González Pérez lacks social recognition required for a true defender of human rights, especially in the midst of the crisis facing Mexico."
Others point out, however, that the new ombud represents an important change from the previous CNDH leadership. "The appointment of González Pérez as head of the CNDH, without doubt, is a slap in the face of his predecessor, Raúl Plascencia Villanueva, who did not receive support from any of the political parties in the Senate," columnist Francisco Garfias wrote in the daily newspaper Excélsior.

"Dr. Raúl Plascencia Villanueva failed in his attempt to gain re-election but managed to alienate civil organizations and the political parties," columnist José Cárdenas wrote in Excélsior. "In the end, he managed to bring everyone together—but against him."

New ombud must help bring clarity to critical issues

González Pérez takes over the CNDH with a mandate to help clarify two very thorny issues: the Ayotzinapa case in Guerrero and the incident in the community of Tlatlaya in México state, where Army personnel allegedly executed 22 members of a criminal organization (SourceMex, Oct. 1, 2014).

In addition to bringing more clarity to those two situations, political analyst Francisco Guerrero said the CNDH must overcome two problems: a crisis of perception, under which the commission is seen as having insufficient authority to address the anger of the people, and a crisis of the credibility of Mexican institutions.

"As Guerrero pointed out, without credibility, the government cannot function," journalist Ricardo Alemán, who interviewed the political analyst, said in his online news site La Otra Opinión.

"We have to think of the CNDH as a defender of the public," said Sen. Angélica de la Peña, a member of the PRD and chair of the human rights committee (Comisión de Derechos Humanos) in the upper house. "The [new president] will have to work to build the social legitimacy that is so needed during the crisis that our country is experiencing."

Soberanes concurred with this assessment, indicating that the CNDH has to take on the role of attorney for society. "The ombud must worry about the people and not the government," the former CNDH president said in an interview with the online news site La Otra Opinión. Soberanes said the CNDH has been given the resources to conduct thorough investigations but has failed to carry out its mission.

"The problems that the CNDH has experienced have a lot to do with the person in charge," columnist Adrián Trejo García wrote in the daily business newspaper El Financiero. "But the problem also lies in the structure of the commission, which long ago failed to respond to the demands of the citizens. There is a public perception, in fact, that the commission has become a defender of criminals and not of victims."

"This commission, originally conceived to safeguard individual rights, had served as an agency that was subservient to the federal and state executives and that had demonstrated an unacceptable submission in the face of abuse on the part of authorities," La Jornada said in its editorial.

Many other issues need attention

While the Ayotzinapa and Tlatlaya cases rise to the top of the agenda for the new ombud, González Pérez must address several other areas where Mexico has fallen short in human rights, including ongoing intolerance and discrimination (SourceMex, Aug. 20, 2014), the treatment of immigrants transiting through Mexico (SourceMex, July 16, 2014), and the rights and responsibilities of self-
defense groups that have emerged in Guerrero and Michoacán (SourceMex, Jan. 22, 2014, and Feb. 19, 2014).

Other major problems include concerns about gender-related violence, which has been prevalent in Mexico (SourceMex, March 5, 2014). On Nov. 14, the UN released a report indicating that, on average, seven women are murdered in Mexico each day. The statistics are based on data collected from the Instituto Nacional de Estadística y Geografía (INEGI) and the Secretaría de Salud (SSA), which found that 2,502 women were murdered in 2013.

Furthermore, the report said 44,646 women were killed between 1985 and 2013 under circumstances where homicide is presumed. "We are worried because those expressions of violence in Mexico are far above the norm for violence at the global level," said Marcia de Castro, resident coordinator for the UN Development Program (UNDP) in Mexico.

Another recent UN report took the CNDH to task for failing to take action against the prevalence of torture in Mexico. "The large number of arbitrary detentions are often accompanied by torture," said the preliminary report released by Juan Méndez, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Méndez, who turned the report over to the Chamber of Deputies, said the inability of authorities to conduct effective investigations has fostered the prevalence of this practice. Additionally, he said, most of the victims are people of lower income levels. "Federal and state authorities only provide information and manuals about their programs but do not offer details on actions that must be taken and any results that have resulted from these programs," said Méndez. "This type of simulation must not continue."

In addition, the Ayotzinapa case is just a symptom of a larger problem: the large number of disappearances around the country. By some estimates, more than 22,000 people have gone missing since ex-President Felipe Calderón launched his war against drug traffickers in 2016. In July of this year, the Peña Nieto government issued a report suggesting that the number of disappeared was closer to 8,000 because thousands of names on the list were people found safe in their communities. Other people on the list were simply found to have eloped, abandoned their homes, or migrated to the US, Interior Secretary Miguel Ángel Osorio Chong said at that time (SourceMex, July 16, 2014).

The Proyecto Desaparecidos, however, contends that the number of disappeared is 22,322 and that Mexico lacks effective mechanisms to conduct searches, identify remains, protect relatives of the victims, and prosecute and sanction those responsible for the disappearances.

The project is sponsored by a coalition of groups that has come together under the name Fuerzas Unidas por Nuestros Desaparecidos (Fuundec). The project coordinators said military personnel, paramilitary groups, law enforcement agencies, as well as criminal organizations continue to detain people arbitrarily, and often those people are never seen again.

Another problem, said the group, is that there are no coordination schemes or international mechanisms to guarantee that searches and investigations will be conducted in the cases of missing migrants from other countries.

"The right to justice goes beyond national formalities and should enable the victims of human rights violations to resort to pertinent international organisms to seek protection, justice, and reparations
when Mexican authorities do not meet their obligations," Fuundec said in a letter to Pena Nieto dated Sept. 8, 2014, 18 days before the disappearance of the 43 students in Guerrero.

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