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UN Report Highly Critical of Mexico for Failing to Address Enforced Disappearances

by Carlos Navarro

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A UN panel this month issued a report highly critical of the Mexican government for standing on the sidelines while tens of thousands of its citizens were being kidnapped and murdered. The report from the UN Committee on Enforced Disappearances, issued in Geneva, followed a series of hearings in Mexico and Switzerland. An "enforced disappearance" is when authorities are involved in or have permitted the abduction.

The report highlighted the case of 43 students from a teachers college in Guerrero (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos), who were detained by local police from the city of Iguala in September 2014 and turned over to criminal organizations ([SourceMex, Oct. 15, 2014](#), and [Oct. 29, 2014](#)). While there were broad suspicions that the students were murdered, authorities did not declare them dead until January of this year ([SourceMex, Jan. 28, 2015](#)).

The UN panel said the Iguala case was proof of "the serious challenges Mexico is facing in terms of the prevention, investigation, and punishment for enforced disappearances and searching for the disappeared."

The committee also noted "with concern" the absence of precise information on the individuals who have gone missing, whether their disappearance was caused by authorities or criminal organizations or both. The estimates for the number of "disappeared" during the administrations of former President Felipe Calderón and current President Enrique Peña Nieto have varied widely. As recently as 2013, the Peña Nieto government was holding to the figure of 26,000 disappeared at the end of the Calderón administration. In July 2014, the Secretaría de Gobernación (SEGOB) issued a report reducing the number to 8,000. Interior Secretary Miguel Ángel Osorio Chong explained that a review had indicated that thousands of names on the list were people who were found to be safe in their communities ([SourceMex, July 16, 2014](#)).

Human rights organizations and the Mexican public have reacted to reports from the Peña Nieto and the Calderón governments with a great deal of skepticism, particularly since the two administrations have failed to follow through on promises to develop a public national database of those who are missing.

Critics, including several human rights organizations, contend that the government's efforts have fallen woefully short, with numerous officials routinely ignoring the problem. The public has expressed its anger about government inaction on the disappearances in a variety of ways, from demonstrations to documentaries. In 2013, journalists Alicia Calderón and Griselda Torres produced the film *Retratos de una Búsqueda* (Portraits of a Search), which features the plight of three mothers attempting to find their sons and daughters. The documentary puts the blame on authorities for the scarce information and lack of follow-up action regarding the whereabouts of tens of thousands of people who have disappeared since January 2006 ([SourceMex, Jan. 23, 2013](#)).

UN recommends creation of special prosecutor

In its recommendations to the Mexican government, the UN committee called on the Peña Nieto administration to create a special office and designate a prosecutor to investigate cases of disappearances and recommended that the government focus more energy and resources on such cases as part of a national phenomenon. Furthermore, the panel suggested that every report of an illegally detained or abducted person be investigated "without delay" and that police or other authorities suspected in the crime not be involved in the investigation.

"There is an apparent obvious discrepancy between the obligation of the state to punish and prevent this crime and its ubiquity in many parts of the country," committee member Rainer Huhle told reporters in Geneva.

The Mexican government responded in a lukewarm manner to the report. While promising to consider the recommendations, officials downplayed the findings. A joint statement from SEGOB and the Secretaría de Relaciones Exteriores (SRE) said the report from the UN panel contained incomplete information. "The recommendations issued by the committee do not adequately reflect the information presented by Mexico, nor does it provide information about the actions and commitments that we have made to solve the aforementioned challenges," said the statement.

"We believe that there were some inaccuracies in the report by the committee. Some elements that make one think that the review was not as exhaustive as it should be, either from the statistical point of view or the factual point of view," Foreign Relations Secretary José Antonio Meade Kuribreña later told reporters.

Meade said the review was conducted in a format in which the country presents a report, the committee makes recommendations, but "no provision is made for the response to these recommendations."

"We believe that the recommendations that they made to us, as we said last week, coincide a lot with the actions that Mexico said that it is carrying out in relation to the forced disappearances," said the foreign relations secretary. "Some elements that we said we have already incorporated into our justice system are now included as recommendations of things to be done, when Mexico has already been doing them."

Mexican officials point out that they are working with international human rights experts to investigate the case involving the disappearance of the 43 students from the Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos. Meade noted that the Inter-American Commission on Human Rights (IACHR) has convened a panel of human rights experts from Spain, Chile, Colombia, and Guatemala to offer technical assistance in the investigation into the disappearance of the students.

"The investigations and suggestions that they make will be welcome, and we are sure they will generate a legally robust result," Meade told reporters. "At the end of last year Mexico raised the importance of that cooperation, we held meetings with the IACHR and it was aware of those who were made a part of that panel of experts."

Administration urged to accept UN recommendations

Critics suggested the administration's response to the UN report was too defensive and lacked a commitment to resolve the problem. "It is worrisome that just a few hours after receiving the

observations contained in the report, the interior and foreign relations ministries responded in this manner," columnist Betty Zanolli Fabila wrote in the daily newspaper El Sol de México. "Yes, how difficult it is for those in authority to recognize that they have failed, even in the face of overwhelming evidence that points to a tragic reality."

Opposition legislators also criticized the timid reaction from the Peña Nieto administration, which has lost a lot of credibility at home and is now the subject of skepticism overseas. "The reaction to the recommendations of the committee was both unexpected and worrisome," Sen. Laura Rojas, a member of the center-right Partido Acción Nacional (PAN), wrote in the daily newspaper Excélsior. "The response is evidence that the government has moved from a lack of control of the situation to denial of that reality. This then becomes an obstacle to finding an in-depth solution to the problem."

In the absence of a federal solution to the problem, at least one local government is taking action. The Mexico City legislature (Asamblea Legislativa del Distrito Federal, ALDF) was considering a plan proposed by Mayor Miguel Mancera to prevent and sanction forced disappearances. The proposal, which closely follows the UN recommendation, is targeted at any Mexico City government official, whether in law enforcement or another public post, who attempts to deprive a citizen of liberty or who is complicit in any form in the crime.

"These violations will be sanctioned independently from any other crime that is committed," said Manuel Granados Covarrubias, chair of the interior affairs committee (Comisión de Gobierno) of the ALDF. "The sanctions will be more severe when the violation is a consequence of an action by a law-enforcement officer."

"One of the important aspects of this initiative is that it defines the process by which authorities can declare that a case involves a force disappearance," Granados Covarrubias wrote in the daily newspaper La Crónica de Hoy.

Granados Covarrubias, who is a member of the center-left Partido de la Revolución Democrática (PRD), said the initiative has the full support all the parties represented in the ALDF.

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