

SoD Summary

State of Democracy in Mexico (*Situación de la democracia en México*)

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Mexico has taken significant steps towards free elections and political liberties, yet Mexican citizens still face many challenges. Social and economical inequality; high levels of corruption and inadequate governmental responsiveness; insecurity and crime; concentration of media ownership; and low popular participation are some of the issues that must still be dealt with effectively in order to further democracy in Mexico.

Key Recommendations

- Ensure effective collective and individual rights for Indigenous peoples.
- Introduce procedures for redress in cases of administrative, police, and judicial error or maladministration.
- Democratize unions and integrate labour law into court jurisdiction.
- Introduce semi-direct democracy mechanisms at the federal level
- Allow and fund the political participation of independent candidates.
- Professionalize the police forces and end corruption.
- Improve the entire prosecution system.
- Allow public scrutiny of the armed forces and reduce its size.
- Strengthen anti-corruption and oversight agencies.
- Reduce the concentration of ownership of electronic media.
- Reduce the gap between the salaries of public officials.
- Strengthen and expand a professionalized civil service at every level of the Federation.

- Strengthen federalism and improve funding and availability of resources at the state and local levels.

The 4 Pillars and the assessment

Origins: Why perform a SoD assessment?

There has been an ongoing discussion on the actual existence of democracy in Mexico, and already in the 60's, there was a consensus about Mexico being a formal, but not substantive, democracy. In this sense, the authors of this assessment argue that there have been at least six democratization projects in Mexico since the 1996 electoral reforms, of which this project is the latest version. Even though during the 2000's the general impression was that Mexico had become a true democracy thanks to continuous political reforms, the events after the 2006 presidential elections cast shadows over this notion and reactivated the discussion. In order to answer this question, a local research team conducted a democratic audit of Mexico using the International IDEA Assessment Framework.

Citizen, Law and Rights

Nationhood and citizenship

Mexican nationality and citizenship are widely inclusive, and there is consensus on how to acquire both. The Mexican legal framework does not allow any discrimination in the acquisition of Mexican nationality and citizenship. The exercise of citizenship rights is not satisfactory for lower income Mexicans as they face practical limitations that bar their access to effective citizenship; or Indigenous peoples, as the norms that protect their rights are not effectively enforced. There is overall consensus on established borders and constitutional arrangements, though the creation of Autonomous Municipalities by the Ejército Zapatista de Liberación Nacional (EZLN) does challenge the Mexican legal framework. Mexican political institutions are able, despite some shortcomings, to accommodate and reconcile divisions within society. Authority has been dispersed and decentralized during the last two decades which has contributed to bringing about more effective checks and balances in the system.

Rule of law and access to justice

Rule of law is extensive and relatively effective throughout the country, although weakened by several factors: including criminal groups, the EZLN in Chiapas, lack of resources, and a culture of disobedience. Access to justice is unequal, specifically for low income citizens, Indigenous peoples, or those who inhabit distant rural zones. Besides this, economic resources and social networks allow wealthy and powerful people to avoid the reach of law. Several civil officials and the military are granted certain legal immunities and exemptions. The judicial system is underfunded and lacks resources, and there is a major problem with delays. Police forces also lack resources and, moreover, some former or active members are associated with organized crime. Even though the rights of due process and redress in case of maladministration are constitutionally recognized, these are not entirely effective. Thus, there is a low confidence in the legal and judicial system and its institutions.

Civil and political rights

Although civil and political rights are granted by the Mexican Constitution, in practice these are not fully effective. The National Commission of Human Rights oversees compliance with civil guarantees, but its rulings are not mandatory. In general, the Mexican people are relatively protected from state aggression, although cases of torture and excessive police violence have been reported. Increasing crime rates put more pressure on the already overburdened legal institutions, weakening state capacity to ensure security. Freedom of movement, expression, association and assembly are also constitutionally granted, and most citizens can effectively put them into practice. There are extensive freedoms for religious observance, as well as for cultural and language practice; yet, Indigenous peoples face practical limits to these rights. Human right supporters and environmental defenders are frequently harassed and intimidated.

Economic and social rights

The Mexican Constitution is celebrated as pioneer in the recognition of its citizens' social and economic rights. Notwithstanding, there is a gap between this recognition and effective practice. Economic and social rights are more accessible to those who work in the formal sector (especially in public agencies or major corporations); yet, a great part of the working population is outside the formal sector. Practices of gender discrimination and segregation are widespread. Rural workers, Indigenous peoples and low income urban dwellers are the least favoured in their access to economic and social rights. Access to basic needs has been improving, but acute problems persist: food security does not extend to the entire population and there is a persistent lack of adequate housing. Health service coverage is relatively widespread and major improvements have been made during the last decades; yet, there are wide gaps in the quality of health services - defined according to socio-economic characteristics. Preschool, primary and secondary education is mandatory and free in public schools, and there has been an expansion of coverage, although at the expense of quality. Unions have some rights and legal protections, but only 10% of the working population is unionized; moreover, unions lack internal democracy and have little independence from the state. Corporate governance is barely regulated.

Representative and Accountable Government

Free and fair elections

Although elections have been held since 1917 without interruption, these have been only genuinely free and fair during the last two decades. There is a tendency towards less electoral participation: an indicator of a growing gap between elites and citizenship. Both the upper and lower chambers of the Congress are elected by [majority and proportional systems](#), and similar systems have been adopted in the state legislatures. Registration procedures are widely inclusive and free, and the voting roll is updated. Mexican citizens abroad have the right to vote. Electoral commissions have full autonomy and are free from government control. Elections are relatively peaceful and free from violence and intimidation; yet, client behaviour and vote buying persists. Registration procedures for parties and candidates are also free and fair, although they exclude independents. Access to media is adequate for the major parties, but not so much for smaller or newer ones. The range of choice between political parties is wide and effective. Although the Mexican party system may be considered mainly tripartisan, all the seven national level parties have representatives in Congress. Votes have approximately equal value and laws have been implemented to avoid [gerrymandering and malapportionment](#). The composition of the Congress does not adequately reflect the Mexican social composition, and despite [gender quotas](#) and special Indigenous districts, women and Indigenous peoples are under-represented. Voting is not compulsory and [voter turnout](#) is approximately 60% at presidential elections, and usually less in legislative, state and local elections. Electoral results are often disputed, with the 2006 presidential election being a recent stand out example.

Democratic role of political parties

Overall, the Mexican Constitution and political institutions have been very stable since 1917: the role played by the hegemonic PRI in the consolidation of the political institutions for more than 70 years has been crucial. Nowadays, the hegemonic party has been replaced by a pluralistic party-system with a reasonable degree of competition and freedom. All Mexican political parties are committed to democracy and have played a key role in the current democratization process; yet, they are amongst the most discredited political institutions in Mexico. Requirements to create political parties are reasonable; public funding is the major financial source - although small percentages of private funding are allowed - and electoral commissions oversee compliance with electoral and funding regulations. Nevertheless, parties seem to be rather vulnerable to corporate influences, illicit funding and overspending. Opposition parties and minorities are free to organize within legislatures, though there exist some obstacles to the exercise of scrutiny over government actions. Party discipline is

strict, although not monolithic. It is difficult to ascertain actual party membership even though there are regulations saying that party rolls must be public. Major parties increasingly use direct elections to choose candidates for public office and as party leaders.

Government effectiveness and accountability

The Federal government relies on several mechanisms and instruments of authority to deal with relevant matters and carry out policies, but there are several challenges and problems posed by lack of coherence and corruption. During the last few years, several laws and regulations have been enacted and implemented in order to improve public service efficiency and reduce corruption, yet, there are persistent problems in the areas of public security, poverty, and economic growth. Levels of public confidence in government and political institutions are middling to low. Elected officers and political leaders have a great deal of control over their staff, although this control is based mostly on personal links and loyalties; in this sense, a professionalized civil service is fairly recent in Mexico. The Federal Congress has extensive and effective powers to approve and amend legislation, as well as to scrutinize executive actions, although there are certain limits to the effectiveness of the latter. Congress participates in approving federal taxation and expenditure laws, but it is sole remit of the Executive to elaborate and present them. Moreover, the Executive has a wide discretion in the use of public finances. There are regulations ensuring access to public information and the protection of personal records; yet, several areas of the public service, including the expenditure of many state trust funds, are exempted from public information, and bureaucratic obstructions to public access of information are frequently employed.

Civilian control of the military and police

There is effective civilian control over armed and security forces, although the armed forces maintain a good degree of autonomy. The armed forces have responded well to the democratization process experienced during the last decades and are considered relevant to governance in Mexico; yet, military subordination is exchanged for Presidential protection against accusations and challenges, and the armed forces have practical veto powers over political decisions that could affect them. Both the armed and police forces reflect Mexican social composition. The police and security forces are subordinated to political authority, but civilian control is incomplete: police forces are not fully accountable and tend to avoid informing authorities and society about their operations and budget; moreover, every political subdivision can create its own police force. The abundance of police forces has worked against the effective control of organized crime and narcotraffic: lack of professionalization, low wages and education, and high levels of corruption are critical. This situation is related to the existence of drug-trafficking related private armies in some parts of the country. This lack of coordination and unclear delimitation of responsibilities has led both to increasing levels of criminality and, as response, to the militarization of police and security activities, decreasing accountability which pose serious threats to human rights.

Funding and form

The assessment was conducted by a group of professors and graduate students based at the Department of Sociology of the [Universidad Autónoma Metropolitana, Unidad Iztapalapa](#), with funding from the [National Council for Science and Technology](#) of México.

The research team followed the [International IDEA](#) framework thoroughly to ensure reliable comparisons, and to guarantee methodological rigour.

The team, divided into thematic groups, assessed the different dimensions included in the framework, and then subjected their assessment both to internal (the other thematic groups) and external (under-graduate and graduate students; external surveys; focus groups) evaluation.

The researchers converted the qualitative evaluation scale proposed in the assessment framework to ordinal values (from 1=very low to 5=very high): this allows easier comprehension and comparison.

Minimizing corruption

Despite several regulations and policies, there are persistent corruption problems in Mexico. There exists little effective separation between public office and personal or party interests and advantage, especially in the lower echelons of public service. Moreover, there are contradictions between federal and state regulations on what are considered illegal and corrupt practices, the latter being more lax. Bribery is widespread in Mexico, and even though level of corruption have decreased, the cost of bribery has increased during the last few years. The persistence of this conduct is reinforced by the lack of reports filed on corrupt officers. Regulations on political funding are not enough to fully prevent political parties' subordination to sectorial interests: even though illegal, private funding of candidates is not strictly punished; lobbying is not regulated, and mechanisms that regulate funding are not effective in tracking the genuine sources of financing. Major corporations have a strong influence over policy-making and implementation, and it is common for senior public officials to move onto the boards of major corporations. Thus, Mexican people have little confidence in public officials and institutions being corruption free.

Civil Society and Popular Participation

The media in a democratic society

Since mid 1990's, freedom of information and opinion in the media has increased, and the state has lost its control over journalism and public information. Yet, the role of media has been ambivalent, as it also has reinforced popular mistrust and lack of confidence in public institutions, tending to act as the voice of major businessmen. Media ownership is strongly concentrated, with two corporations owning almost 80% of TV broadcasting, and 13 groups run the same proportion of radio networks. Information is available to the majority of the population, although media tends to represent those who pay for the space. Independent media and journalists do undertake investigations on governmental and administrative acts, but there are strong connections between political powers and media, particularly at the State and local levels. Moreover, bureaucratic obstructions and low wages, as well as high levels of insecurity and violence towards journalists, further complicate investigative and impartial journalism. On the other hand, citizens are virtually helpless against intrusion and harassment by the media; and, despite the existence of regulations that allow for reply in case of unfounded or slanderous allegations; this right is hardly ever applied which means there us effectively no redress available.

Political participation

Although several regulations and organizations allow for participation in social, political, economic and cultural matters, Mexican citizens do not seem particularly prone to engage, and when they do it is mostly through religious and neighbourhood associations and organizations. On the other hand, there are some spheres, such as policy-making, in which citizen participation is not welcome. This seems to be related to unequal social and educational levels, a situation that blocks effective participation of women, Indigenous, afro-mexicans, the illiterate, and people facing physical or mental disabilities. The presence of women in political life and public office is limited, although it has been increasing, and there exists a recent regulation moving towards full gender equality in public office. There are few voluntary associations and social movements in comparison with other countries. The range of activities and interests is wide, and these organizations are usually autonomous and independent from government. There are regulations that provide funding and support to associations and organizations that provide public services alongside government.

Government responsiveness

Mexico does have proper legal mechanisms to ensure consultation or participation at the Federal level; in the States where these mechanisms are regulated, they are seldom used due to several reasons. Nevertheless, some non-binding consultations and debates at the federal level have been

held during the last few years. Elected representatives are not required to be available to their constituencies, and the latter usually ignore their representatives. Public services are accessible, but quality standards are not satisfactory, and the agencies and organisms that oversee service delivery lack consultation mechanisms. A major complaint regarding the provision of public services is directed against public officers charging irregular fees and bribes. This phenomenon has been reduced, but it has not disappeared. Related to the democratization process, confidence in government capacity to deal with major social problems has been slowly increasing during the last few years.

Decentralization

Despite being a Federation, major decisions in Mexico are taken at the national level in spite of regional positions and needs. State governments rely heavily on the Federal government for resources, although they can levy certain taxes as well. Meanwhile, local governments are rendered even more dependent as they rely both on federal and state resources. This puts great pressure on state and local governments as their powers and responsibilities have also increased. State and local authorities are elected in free and fair processes, and they are subject to mechanisms of accountability. Moreover, every state has regulations on transparency and access to public information, and agencies that oversee the differing levels of compliance with these norms. Even though there are some recent instances of inter-municipal cooperation, the possibilities for cooperation and association between state and local governments are still underused.

Democracy Beyond the State

International dimensions of democracy

Historically, Mexico has been under strong external pressure, mainly from the USA, whose presence is nowadays felt in political and economic terms. The Mexican economy is highly dependent on US economy, which represents almost 90% of the Mexico's trade and the source of massive volumes of remittances. The USA is the world's largest drug consumer which has prompted the development of major drug cartels in the northern regions of Mexico. To counter the significant influence of the USA, Mexican foreign policy supports international law and multilateral fora, as a means of both extending cooperating while at the same time ensuring Mexican independence and autonomy. In this sense, Mexico has shown a permanent commitment to the development of the UN system. Moreover, its support to international law and human rights has meant the signing and ratification of all major treaties, as well as progressive openness and transparency in these matters. Notwithstanding, Mexico's insistence in the right to self-determination has led to some ambivalent positions regarding the promotion of democracy and human rights around the world. Mexico has sustained an active policy of asylum, and has strongly defended the human rights of international migrants. Yet, it has not been equally able to protect the rights of migrants from Central America crossing Mexican territory into the USA.

Links

Full report in Spanish:

<http://www.idea.int/sod/upload/SituaciondelademocraciaenMexico.pdf>

Abridged report in Spanish:

http://www-en.us.es/araucaria/nro21/monogr21_5.pdf

Abridged report in English:

http://www.idea.int/sod/upload/The_state_of_democracy_in_Mexico.pdf

