

# NEWSLETTER

## NATIONAL HUMAN RIGHTS COMMISSION (CNDH)

ISSUE 216. NEW ERA

FEBRUARY 2011

### CONTENT

**UNJUSTIFIABLE DOMESTIC VIOLENCE**  
**GREATER EMPHASIS ON PROMOTING HUMAN RIGHTS**  
**GREATER CARE FOR THE ELDERLY**  
**CNDH CALLS FOR PROTECTION FOR MINERS**  
**BETTER QUALITY MEDICAL SERVICE REQUIRED**  
**OVER 145,000 PEOPLE TRAINED IN HUMAN RIGHTS**  
**STATE SUPPORT FOR HUMAN RIGHTS**  
**HELP FOR VICTIMS OF CRIME ESSENTIAL**  
**PHOTOGRAPHY EXHIBITION ON THE HOLOCAUST**  
**CNDH AND DOCTORS WITHOUT BORDERS TO WORK TOGETHER**  
**EXCHANGING EXPERIENCES STRENGTHENS HUMAN RIGHTS**  
**HUMAN RIGHTS DISSEMINATED IN INDIGENOUS LANGUAGES**  
**CNDH INCREASES THE NUMBER OF AGREEMENTS SIGNED WITH NGOS**  
**CNDH INCREASES ACTIVITY IN REGIONAL OFFICES**  
**ATTACKS AGAINST THE REYES SALAZAR FAMILY NEED URGENT CLARIFICATION**  
**NATIONAL HUMAN RIGHTS AGREEMENT SIGNED**  
**PASTA DE CONCHOS, DEBT PENDING WITH THE RELATIVES**  
**COORDINATION NEEDED TO ERADICATE IMPUNITY**  
**CNDH INVESTIGATES ESCOBEDO NIEBLA CASE**  
**CNDH INVESTIGATES ATTACKS ON CIVIL DEFENDANTS**  
**CNDH INVESTIGATES CASE OF GUNSHOT WOUNDS IN CHILDREN**  
**ONLINE BULLYING AND ABUSE OF A MINOR**  
**PRESSING NEED TO GUARANTEE FREEDOM OF SPEECH**  
**SIGNING OF AGREEMENT TO SUPPORT MIGRANTS**  
**INJUNCTION FOR CHIHUAHUA ACTIVISTS**  
**CNDH INVESTIGATES ATTACK ON JOURNALISTS**  
**GREATER FOCUS NEEDED ON THE PROBLEM OF HUMAN TRAFFICKING**

RECOMMENDATION 03/2011, **ABOUT V1 AND V2 CASE**

RECOMMENDATION 04/2011, **CASE OF HOSTEL A AND CIVIL ASSOCIATION B**

RECOMMENDATION 05/2011, **NEGLIGENCE CASE DUE TO THE INADEQUATE MEDICAL CARE OF V1 AND V2 AT THE WOMEN'S HOSPITAL RUN BY THE FEDERAL DEPARTMENT OF HEALTH**

RECOMMENDATION 06/2011, **NEGLIGENCE CASE DUE TO THE INADEQUATE MEDICAL CARE OF V1 AND NEGLIGENT DEATH OF V2, IN THE STATE OF HIDALGO**

RECOMMENDATION 07/2011, **ABOUT "RESPIRE CARE HOME FOR MINORS RUN BY THE BENITO JUÁREZ MUNICIPAL SYSTEM FOR INTEGRAL FAMILY DEVELOPMENT", QUINTANA ROO**

RECOMMENDATION 08/2011, **ABOUT THE CASE OF THE DEATH OF V1 AND ILLEGAL RESTRAINT OF V2, IN HUAMUXTITLÁN MUNICIPAL DISTRICT, GUERRERO**

### **CGCP/024/11**

#### **UNJUSTIFIABLE DOMESTIC VIOLENCE**

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, pointed out that proposals were needed to solve, counteract and reduce domestic abuse. He also stressed the need for prevention and social action programmes, "As there are no grounds to justify it". Speaking at the Forum of Integral Development and Full Participation of Women, the National Ombudsman noted that violence is a grievance found practically throughout the world. He stressed that murders of women are one of the country's highest priorities as they are an attack on the human rights of the community as a whole and on the dignity of the human being. The official called for legal action and institutional answers focused on finding the best solution. "One of the challenges facing Mexico in the second decade of the 21st century is to achieve the full

empowerment of women by increasing their participation in society, ensuring that they are heard and that they are involved in decision making”.

### **CGCP/025/11**

#### **GREATER EMPHASIS ON PROMOTING HUMAN RIGHTS**

The CNDH believes that education and promoting human rights are fundamental to implementing a culture of lawfulness where the citizens exercise their rights and fulfil their duties. Last year, it therefore published a range of materials and organised different academic activities that helped to raise awareness and foster respect of fundamental rights among society. 3,723,816 items (brochures, books, posters, leaflets, booklets, hand books and other publications) were published. The topics covered include: the human rights of the indigenous population, health service users, victims of crime, persons with disabilities and campaigns to tackle childhood violence. The National Human Rights Centre (CENADEH) organises workshops, conferences, forums and courses which are attended by civil servants, students, researchers and the general public. The CENADEH academic range of products is used by individuals to specialise, prepare for their Master's or PhD in Human Rights, and work on professional theses and for research. The publications and the academic papers can be consulted at [www.cndh.org.mx](http://www.cndh.org.mx) or at the National Human Rights Centre, at Eje 10 Sur Avenida Río Magdalena 108, colonia Tizapán, delegación Álvaro Obregón, from 9.00 to 18.00 hours from Monday to Friday.

### **CGCP/026/11**

#### **GREATER CARE FOR THE ELDERLY**

The National Human Rights Commission organises activities aimed at eliminating abuse and violence involving the country's elderly. Thanks to its actions to promote the human rights of the elderly, the CNDH runs different educational and information tasks aimed at fostering respect and encouraging help for over 10.8 million people that make up this social group. In order to ensure that the human rights of this vulnerable group, which accounts for 9.62% of the population, are respected, the CNDH feels there is a pressing need to design better family care and institutional protection mechanisms. It is estimated that the population aged 60 and over will stand at 14 million by 2020 and 38 million by 2050. Therefore, the CNDH believes that new types of care and protection of the elderly need to be implemented in order to guarantee them a decent life.

### **CGCP/027/11**

#### **CNDH CALLS FOR PROTECTION FOR MINORS**

The National Human Rights Commission has called on the Federal Departments of Employment and Welfare and of Public Security to apply the necessary injunctions to enforce the closure of the "Lulú" mine, in the Escobedo municipal district, Coahuila. He also asked them to implement immediately all the relevant legal actions for the Secretariat of Public Safety to immediately secure the aforementioned mine and guarantee the personal safety and integrity of the workers. Although the coal mine had been closed by the labour authorities on 3 February, CNDH staff discovered that it was operating with workers down the mine, which endangered their lives and integrity. Last Wednesday, two miners died when part of the mine collapsed. The National Human Rights Commission will continue to investigate the case and, after analysing and weighing up the evidence, will issue the relevant ruling according to the law.

### **CGCP/028/11**

#### **BETTER QUALITY MEDICAL SERVICE REQUIRED**

The National Human Rights Commission has issued 17 recommendations in the last year for violations of basic rights to health services. The Institute of Social Security and Services for State

Employees received eight recommendations, the Secretariat of Public Health – five, and the Mexican Institute for Social Security - two. The General Department for Mexican Petroleum and the Secretariat of National Defence’s hospital, each received a recommendation. It was stated that the greatest affected human rights were: the right to life, to health protection, to legality, to legal security, and to the enjoyment of social security services, due to consistent acts of omission or inadequate medical attention, improper application of public service and deficient execution of medical processes. Therefore, the National Commission produced and presented, in conjunction with the Mexican Social Security Institute, the Compendium of Official Mexican Norms on the Right to Health Protection. Said compendium unites 43 official norms that contain the regulations of obligatory observance for health service providers in public, private and social sectors. The recommendations issued by the CNDH regarding health can be consulted on the web page [www.cndh.org.mx](http://www.cndh.org.mx).

### **CGCP/029/11**

#### **OVER 145,000 PEOPLE TRAINED IN HUMAN RIGHTS**

The National Human Rights Commission trained over 145 thousand people last year in understanding and observance of basic rights: civil servants, members of non-governmental organisations, students of varying institutions and the country’s general public, all attended courses, conferences, seminars and associate degrees delivered by the National Commission. In the public health sector doctors, nurses, residents, administrative, operative employees and medical students received training. Secretariat of National Defence staff, municipal, state and federal police officers, directors, guards and administrative staff of the Republic’s penitentiary centre staff, National Migratory Institution Staff, Public Prosecutor’s Office officers, investigation federals, ministerial police officers, experts and other servants responsible for the procurement of justice, members of civil society and public human rights institutions, also benefited from the training delivered by the Commission on such topics. Highly vulnerable groups, such as children, women, indigenous people, persons with disabilities, elderly people, and young people, received training on the rights they possess.

### **CGCP/030/11**

#### **STATE SUPPORT FOR HUMAN RIGHTS**

Raúl Plascencia Villanueva, president of the National Human Rights Commission, stated that in the CNDH we are dedicated to institutional strengthening in order to provide Mexican society with more efficient civil servants that respect the legal system and human rights. This was, before the head of Executive power, Felipe Calderón, chairmen of state Human Rights Commissions and members of Non-Governmental Organizations, gathered at the “Adolfo López Mateos” Hall of the Los Pinos official residency. Regarding its 2010 report, the national Ombudsman specified that the National Commission this year received 16,066 complaints. It issued 86 recommendations, directed to 115 authorities, of which 20 were not accepted. In this way, it acknowledged that although the Secretariat of the Navy had refused three Recommendations, it later accepted their content. He mentioned as matters of priority for the CNDH the human rights of migrants, the increase in human trafficking, journalists’ and human rights civil defendants’ situation, equality between women and men and attention to the rights of children, families and elderly people.

The report and its statistical annexes can be consulted on the electronic page of the CNDH [www.cndh.org.mx](http://www.cndh.org.mx)

### **CGCP/031/11**

#### **HELP FOR VICTIMS OF CRIME ESSENTIAL**

The protection of the rights of victims of crime represents a constitutional right and a genuine expression of solidarity that the State owes all those that have suffered damages due to illegal action, stated the head of the National Human Rights Commission, Raúl Plascencia Villanueva. During the signing of the collaborative agreement with the state government of Puebla and the entity's Human Rights Commission, which was aimed at establishing Comprehensive Aid Network for Victims of Crime, the national Ombudsman highlighted the importance of the union between federal entity government forces, local human rights institutions and civil society organisations. Our objectives, he confirmed, are the same as those of society, we seek the punishment of criminals and the just assistance to victims.

### **CGCP/032/11**

#### **PHOTOGRAPHY EXPOSITION ON THE HOLOCAUST**

The National Human Rights Commission opened its doors for the photography exposition "The History of the Holocaust in Europe" at its Pro-Victim Programme, located at Cuba 60 Colonia Centro de la ciudad de México. The display expresses the universality of human rights and the conviction that no community or social group may be victim of intolerance, discrimination, xenophobia and other forms of racial hatred. It is compiled of 28 photographs mounted on information panels, belonging to the Shoah Memorial of Paris, France. The exposition will last until February 24<sup>th</sup>. This exposition offers a general perspective of the Holocaust in Europe and the rise of Nazism in Nuremberg. The exposition shall be open to the public between 9:00 and 18:00, Monday to Friday, Saturday and Sunday between 10:00 and 14:00 hours. Entry is free of charge.

### **CGCP/033/11**

#### **CNDH AND DOCTORS WITHOUT BORDERS TO WORK TOGETHER**

The National Human Rights Commission and the organisation Doctors Without Borders Mission Mexico agreed to take action together to promote and protect human rights, in particular those of migrants crossing Mexican territory. During a work meeting in which the conditions for this collaboration were considered, the National Ombudsman Raúl Plascencia Villanueva expressed that it is of extreme importance to bring together forces and achieve the objectives concerning the defence of human rights. He highlighted that the migration situation represents one of the main issues on the CNDH agenda and that it must also be incorporated into agendas of the countries' federal, state and municipal governments. He gave thanks to said organisation for their collaboration and offered the CNDH's experience in the protection of migrants. He specified that advances have been made in investigatory protocols. The general coordinator of Doctors Without Borders, Ignaci Calbó highlighted that his work has consisted in offering medical and psychological aid to migrants that had suffered attacks. He mentioned that this international institution will open two work bases in Arriaga, Chiapas and in Ixtepec, Oaxaca.

### **CGCP/034/11**

#### **EXCHANGING EXPERIENCES STRENGTHENS HUMAN RIGHTS**

The National Human Rights Commission president, Raúl Plascencia Villanueva, stated during a meeting with the director of the Diplomatic Representation Office of the Ibero-American General Secretariat, Manuel Guedán Menéndez, that the CNDH is dedicated to education in human rights matters as it represents a pathway for the construction of just and democratic societies. The Ombudsman received from the director of the office allocated to the organisation of the Ibero-American Summits of Heads of State and Governments, the declaration of "Education for Social Inclusion". The document presents the objective of promotion of the universalisation of quality education as a basic and inalienable human right that must be protected and guaranteed by all Ibero-American countries, without discrimination. Additionally, he received the Special Declaration

on the “Defence of Democracy and Constitutional Order in Ibero-America”, which strives for the unlimited respect for human rights, the State of Law, sovereignty and democracy.

### **CGCP/035/11**

#### **HUMAN RIGHTS DISSEMINATED IN INDIGENOUS LANGUAGES**

The National Human Rights Commission and the National Indigenous Languages Institute (INALI) signed a Collaborative agreement to strengthen the promotion and widespread of indigenous people’s human rights. Before the INALI director, Javier López Sánchez, with whom he signed the agreement, as well as the secretary of the Chamber of Deputies’ Indigenous Matters Commission, Oscar Aguilar González, who acted as a witness, the CNDH president, Raúl Plascencia Villanueva stated that “we are convinced that in order to achieve our objectives the collaboration of forces is necessary in order to generate alliances and improve results”. He invited INALI to meet with a partner in the CNDH that approaches indigenous communities in order to inform them of their human rights so that they can then demand their imposition. The agreement aims to take action to deliver necessary information to indigenous communities in their native languages, in addition to human rights talks and courses. Javier López Sánchez reminded that Mexico is home to more than ten million indigenous people, 68 indigenous communities and 11 linguistic families.

### **CGCP/036/11**

#### **CNDH INCREASES THE NUMBER OF AGREEMENTS SIGNED WITH NGO’S**

The CNDH has increased the number of agreements signed with civil society organisations in order to work together in the promotion of human rights. Last year 417 agreements were signed, four times more than in 2009. The National Commission considers the participation of the civil society that works with activities for the defence of citizens’ rights as fundamental and decisive in strengthening State responsibilities. This connection is of vital importance and therefore a communication and collaboration scheme with Non-Governmental Organisations (NGO) has been established. The best way to avoid violations of human rights is via the strong union of will and the exchange of experiences between those that have taken on the challenge of protecting said rights. The collaborative spirit and will of relations between the CNDH and the NGOs imply that they must consistently work on the basis of reciprocal acknowledgment of their respective tasks, for basic human rights.

### **CGCP/037/11**

#### **INCREASES ACTIVITY IN REGIONAL OFFICES**

The National Human Rights Commission provided the public with 80 thousand 841 services through their ten external offices, located in the states of Baja California, Chihuahua, Sonora, Tamaulipas, Aguascalientes, Tabasco, Veracruz, Yucatán and two in Chiapas, for the protection and defence of human rights. This was part of the 481 thousand 263 activities carried out by the national institution in 2010. In the regional offices personal assistance via telephone, information on varying procedures and legal guidance are provided. This is in addition to advice when forming written complaints, the elaboration of detailed affidavits and response to requests for information for carrying out school projects and research. Resources presented before the CNDH are checked and information is added to open files according to the investigation. Regarding migrant cases, these offices distribute posters that provide guidance on what to do in cases of abuse and extortion carried out by an authority. In order to reinforce social assistance, amongst other forms of action, the institution plans to open five regional offices in Baja California Sur, San Luis Potosí, Oaxaca, Guerrero and Coahuila.

### **CGCP/038/11**

### **ATTACKS AGAINST THE REYES SALAZAR FAMILY NEED URGENT CLARIFICATION**

The National Human Rights Commission demands clarification on the attacks that the Reyes Salazar family have been suffering since January of last year. On February 16<sup>th</sup>, 2011, the home of Sara Salazar was set on fire. Her daughter, Josefina Reyes Salazar, human rights defendant, lost her life on January 3<sup>rd</sup>, 2010. CNDH staff is in this border city in order to offer aid and guidance for the family and to carry out the relevant procedures before the authorities. In Chihuahua, in August, 2010, her brother Rubén also lost his life, in the entity's municipal district of Guadalupe. On February 7<sup>th</sup>, 2011, Elías and Magdalena Reyes Salazar, also siblings, as well as the former's wife, Luisa Ornelas, were taken by an armed group when travelling in their vehicle in the same municipal district. The CNDH has followed these cases meticulously and has been requesting information from the Public Prosecutor's Office of the state of Chihuahua, which until this date it is yet to receive. Additionally, last Wednesday evening the house of Malú García was set on fire. The activist of the organisation May Our Daughters Return Home was accompanying members of the Reyes Salazar family in a hunger strike protesting for justice, when the incident took place. The National Commission condemns the attacks and requests an efficient investigation from the authorities in order to find the culprits and allocate their punishment.

### **CGCP/039/11**

#### **NATIONAL HUMAN RIGHTS AGREEMENT SIGNED**

Before the CNDH president, the National Pact in favour of Human Rights and Transparency in the Supreme Courts of Mexico was signed, with the presence of Raúl Plascencia Villanueva, as a witness of honour. It was highlighted that we are promoting all initiatives aimed at strengthening human rights culture within both society and the civil service sphere. The National Human Rights Commission considers the strengthening of collaborative ties with each and every one of the State institutions as fundamental, particularly regarding those responsible for delivering justice. It contemplated that the agreement compromises the Supreme Courts all over the country to establish programmes and coordinated action in order to achieve an integral and national cooperation for the promotion and protection of human rights and the governmental transparency in terms of jurisdictional systems.

### **CGCP/040/11**

#### **PASTA DE CONCHOS, DEBT PENDING WITH RELATIVES**

The recovery of the 64 bodies of workers that died in the Pasta de Conchos mine, located in the municipal district of Sabinas, Coahuila, is a debt pending with the victims' relatives. The CNDH calls for the execution of the necessary efforts to recover the miners' bodies, given that this represents a violation of the freedom of belief and religion of the relatives. In the Recommendation 26/2006, issued as a result of these events that took place five years ago, the National Commission documented that the cited coal mine did not meet the safety and hygiene requirements set out by law. Upon verification of irregularities in the investigation of the causes of the disaster, the Recommendation 64/2008 was also issued to the Attorney General's Office, but was not accepted. The Commission considers it fundamental to monitor the strict observance of safety norms in all the mines across the country, as well as the improvement in work conditions to prevent repetition of events of this nature. The CNDH is currently investigating an additional complaint related to the Pasta de Conchos case and four others regarding the alleged violation of workers' human rights in other mines across the country.

### **CGCP/041/11**

#### **COORDINATION NEEDED TO COMBAT IMPUNITY**

Raúl Plascencia Villanueva, president of the National Human Rights Commission presented the Special Report on the Kidnapping of Migrants in Mexico, and stated that the violence against this vulnerable group has not reduced; rather the groups that commit this crime have specialised and diversified their strategies. He maintained that this crime represents a direct attack on these people's dignity and their inherent human rights, such as the right to freedom, legality, legal security, integrity and, in some cases, the right to life. The CNDH managed to document 214 mass migrant kidnapping cases, with a total of 11 thousand 333 victims. The states which presented the greatest number of kidnappings, according to the statements given by victims and witnesses, are: Veracruz, followed by Tabasco, Tamaulipas, San Luis Potosí and Chiapas. Plascencia Villanueva presented the Secretary of Government, the National Migratory Institute, the Attorney General's Office, the Federal Secretariat of Public Safety, and the state secretariats of public safety and district Attorney's offices with 28 proposals. He also urged the three governmental orders to permanently coordinate themselves for the establishment of common strategies for inter-institutional and inter-sector communication, training of public servants and denunciation campaigns aimed at the general public and migrants, in order to combat impunity in all its forms.

The Special Report on the Kidnapping of Migrants in Mexico can be consulted on the web page [www.cndh.org.mx](http://www.cndh.org.mx).

#### **CGCP/042/11**

##### **CNDH INVESTIGATES ESCOBEDO NIEBLA CASE**

The National Human Rights Commission collects information to implement the complaint file of the youth Leslie Abigail Escobedo Niebla, who was injured after a gunshot to the head last February 14<sup>th</sup> in this city. Raúl Plascencia Villanueva, president of the CNDH, specified that the group of visitors and experts that find themselves in the entity have already interviewed the youngster's family in order to offer them medical and psychological aid.

The national Ombudsman added that the Institution's staff will also verify the information provided by the authorities involved in the events. Leslie Abigail was shot when travelling in a vehicle accompanied by other adolescents, when ignoring the request to stop made by a convoy allegedly of military officers.

#### **CGCP/043/11**

##### **CNDH INVESTIGATES ATTACKS ON CIVILIAN DEFENDANTS**

The National Human Rights Commission has implemented a complaint file regarding the violations of basic rights of the Reyes Salazar family. Attacks against this family began in 2010, with the murder of Josefina Reyes Salazar and later her brother Rubén in the municipal district of Guadalupe in Chihuahua. The siblings Elías and Magdalena Reyes Salazar, as well as the former's wife, Luisa Ornelas, were kidnapped at the beginning of the month, in this entity. Later, the home of the mother of this family, Mrs Sara Salazar was set fire to, when she was accompanying her daughters Marisela and Claudia at the state Public Prosecutor's Office, where they began a hunger strike. Currently, the civil defendants face critical situations of violence, threats, kidnapping, torture, arbitrary detention and even deprivation of freedom. From 2005 to this date in Chihuahua six civil defendants have lost their lives, and furthermore, the in National Commission 16 files are open regarding acts committed against these people of this state. On a national level, in 2010, this Institution settled 48 complaint files for acts committed against defendants. Two recommendations were issued and 13 precautionary measures were requested.

#### **CGCP/044/11**

##### **CNDH INVESTIGATES CASE OF GUNSHOT WOUNDS IN CHILDREN**

The National Human Rights Commission launched the investigation regarding the case of the six children shot in Ciudad Juárez, Chihuahua. CNDH staff immediately contacted relatives of the victims to offer them medical, psychological and legal assistance. Additionally, they gathered information regarding the events of last Wednesday evening in the district División del Norte of this area, when children, two male and four female, aged between 8 and 16 years, were attacked with firearms. The children were playing in the back patio of a house when they were attacked by an armed group. Of the six injured that were taken to the Red Cross hospital, three lost their lives.

The National Human Rights Commission demands that the authorities of the three levels of government investigate the attack with the due swiftness and that they detain the culprits. Additionally, it demands that they take measures to safeguard the rights of the victims of crime and of their relatives.

### **CGCP/045/11**

#### **ONLINE BULLYING AND ABUSE OF A MINOR**

The National Human Rights Commission launched the investigation into the online harassment and persecution of the minor that was physically and sexually attacked by staff of a private school in the state of Oaxaca. The names of the child and mother are being aired in videos uploaded to the social network where they ridicule the case that was investigated by the CNDH and for which the Recommendation 04/2008 was issued. With the exhibition of these videos in numerous languages, the child and his family's fight for justice are ridiculed. Through the Crime Victims' Assistance Program (Pro-Victim), the National Commission urges the Government of Oaxaca to comply satisfactorily with the points of the Recommendation and to demand the detention of the attackers that remain free and in total impunity. Additionally, they are asked to take the necessary measures to prevent and eliminate the social stigmatisation of the infant victims and their family members, to facilitate their recovery and reintegration into the community and to consistently look out for the higher interest of the minor. The CNDH will request a follow-up report to the Recommendation 04/2008 and will investigate the fundamentals of its incompleteness.

### **CGCP/046/11**

#### **PRESSING NEED TO GUARANTEE FREEDOM OF SPEECH**

Raúl Plascencia Villanueva, president of the National Human Rights Commission stated that the States of Latin America are obliged to prevent acts that violate rights such as freedom of speech and to promote legal reforms that guarantee and combat impunity. This was during the II Forum for Freedom of Speech held in Panama where he also considered the lack of respect given to the human rights of communicators and journalists infringes and restricts the right to search for, receive and spread information and ideas of any inclination. He maintained that it is the States' responsibility to adopt the necessary measures to establish efficient procurement of justice, based on legal certainty that will affect the combat of impunity. Therefore, he urged the guarantee of freedom of speech. The president of the CNDH considers the reiterated violations of basic rights as causes of weakness to the legal system as they violate the State of Law and the exercise of innumerable rights of individuals. He emphasized the importance of a joint effort between public media institutions and human rights defendants' institutions in order to guarantee freedom of speech.

### **CGCP/047/11**

#### **SIGNING OF AGREEMENT TO SUPPORT MIGRANTS**

A Collaboration Agreement for the Protection and Promotion of the Human Rights of Migrants, signed between The National Human Rights Commission, with President Raúl Plascencia Villanueva and the Office of the Ombudsman of Ecuador, led by Fernando Gutiérrez Vera. The



objective of said Agreement is to generate concrete action for the prevention, technical support, awareness activities and immediate attention to alleged violations of human rights committed against this vulnerable group. Furthermore, they aim to establish mechanisms for the exchange of information and evolution of the migratory phenomenon, to offer preparatory advice and diverse educational and training activities regarding migrant rights. The document was signed in the context of the II Forum for Freedom of Speech in Panama.

### **CGCP/048/11**

#### **INJUNCTION FOR CHIHUAHUA ACTIVISTS**

The National Human Rights Commission requests an injunction for the members of the Reyes Salazar family and accompanies those that carry out a protest in Mexico City and then return to Ciudad Juárez. They also ask the relevant authorities to produce a rapid and effective investigation to find the culprits of the death of Elías and Magdalena Reyes Salazar and Luisa Ornelas Soto, whose bodies were found near the town of Guadalupe, Chihuahua. CNDH staff support family members in their return to the border city in order to follow up the legal process to be carried out, as well as to offer them medical and psychological support and to verify the investigation's progress. The national institution has requested information regarding the preliminary investigations from the Public Prosecutor's Office and shows that it will remain attentive to the evolution of the events. In due course the lawful decision will be issued.

### **CGCP/049/11**

#### **CNDH INVESTIGATES ATTACK ON JOURNALIST**

The National Human Rights Commission launched an investigation into the attack with a firearm committed against the correspondent of the news agency Associated Press (AP), Oswald Alonso Navarro and the publicist of Radio Fórmula Morelos, Marco Antonio Vallejo Estrada, who was injured. The CNDH made contact with the victims and offered the necessary legal and psychological aid. Furthermore, it deplors the violence against the communicators and demands an investigation from the authorities to clarify the case that occurred on February 25<sup>th</sup> on a street of Cuernavaca, Morelos. Additionally, it asks for the adoption of the necessary measures to establish an effective procurement of justice, based on the legal certainty and that is able to influence the combat of impunity.

The National Commission offers the Guides for Implementation of Precautionary Measures for the benefit of Journalists and Communicators in Mexico on its web page [www.cndh.org.mx](http://www.cndh.org.mx)

### **CGCP/050/11**

#### **GREATER ATTENTION NEEDED FOR THE PROBLEM OF HUMAN TRAFFICKING**

Raúl Plascencia Villanueva, president of the National Human Rights Commission, assured that an integral public policy to prevent this serious crime will be possible through coordinated work between public and civil institutions that pay more attention to the problem of Human Trafficking. In the launch ceremony of the National Campaign for Training in Human Trafficking Issues, carried out in the Cultural Centre Tijuana, Plascencia Villanueva pointed out that due to the complexity of the problem analysis from a human rights perspective is necessary. This is in addition to the protection of prerogatives that are indivisible, inalienable and non-renounceable to every person, such as life, freedom, equality and non-discrimination, which all depend on principles of dignity and respect. Through the Anti-Human Trafficking Programme, he added, the CNDH address the problem integrally in three areas: legal, institutional and social, "adopting as principal work tools, coordination and collaboration with public institutions, however, mainly with society". Plascencia Villanueva thanked the actress Kate del Castillo for acting as an ambassador against Human trafficking for the CNDH. The International Organisation for Migrations estimates that on a

global scale, each year approximately one million people are cheated and subjected to conditions similar to those of slavery.

## RECOMMENDATIONS

In the following pages, the synopsis of the recommendations emitted by the CNDH during the month of February, 2011 is presented. The complete version can be consulted on this institution's web page:

<http://www.cndh.org.mx/cartnews/cartnws.htm>

### RECOMMENDATION 03/2011

Mexico City, February 1st, 2011

CASE: **V1 AND V2**

AUTHORITY RESPONSIBLE:

CONSTITUTIONAL GOVERNOR OF THE STATE OF AGUASCALIENTES

On June 3rd, 2009, V1 and V2, presented written complaints before the National Commission, in which they present alleged violations to their human rights, committed by civil servants of the state of Aguascalientes' District Attorney's Office. This was regarding the implementation of various preliminary investigations that were settled by this department concerning the numerous complaints that have been presented. In particular, regarding the preliminary investigation 5, launched due to the incompetency put forward by the Federal Public Prosecutor's Office agent in the preliminary investigation 2. More than ten months passed without any procedure being practiced for its implementation, apart from the unjustified abstention of the prosecution authority for more than six months, having carried out procedures in the preliminary investigation 1 ordered by the Fifth Penal Judge in the state of Aguascalientes.

Additionally, V1 and V2 point out that they have received numerous threats, as well as constant acts of harassment and surveillance of their residences, by people that they suppose are sent by the state government aiming to intimidate them. Amongst these events, V1 and V2 pointed out that they presented penal reports at desk 3 of the department of the Attorney General's Office of Aguascalientes, which served as evidence to settle the preliminary investigations 3 and 4 respectively. Similarly, they state that civil servants of the state Coordination of Social Communication have restricted public information issued by the government, limiting them to the information generated after the events via the state government internet portal. Additionally, they informed that government servants of the state of Aguascalientes intend to affect their moral, ethical and professional status. This is by allowing public transport vehicles of this federative entity to carry advertisements with reference to themselves and journalistic activity, with descriptions that link them to the commission of crimes.

As a consequence, the following reports were requested from the Secretariat of Public Safety and Roads, the Coordination of Social Communication and the District Attorney's Office, all of the state of Aguascalientes, as well as the Attorney General's Office.

The logical legal analysis of the evidence that compose the complaint file CNDH/5/2009/2585/Q shows that in this case the human rights of V1 and V2 were violated; Their rights to legality, legal security, procurement of justice, as well as freedom of speech, the right to information and to honour and a clear name.

Given the above, this National Human Rights Commission respectfully presents the following

**RECOMMENDATIONS:**

**TO THE CONSTITUTIONAL GOVERNOR OF THE STATE OF AGUASCALIENTES:**

**FIRST.** Ample cooperation with the National Human Rights Commission, from the beginning and during the complaint procedure that the public institution presents before the General Comptrollership of the State of Aguascalientes and the District Attorney's Office of the State of Aguascalientes' Deputy Attorney's Office of the Internal Comptrollership, respectively. This is regarding the government civil servants of this federative entity that intervened in the events that constitute this case. Additionally, it is necessary to provide the autonomous public institution with evidence that proves completion of the above.

**SECOND.** Full collaboration with the National Human Rights Commission, from the beginning and throughout the reports process that the public institution presents before the District Attorney's Office of the State of Aguascalientes. This is in reference to the staff that intervened in the events that constitute this case.

**THIRD.** Circulate instructions to whom it may concern, in order to provide them with training. Additionally, promote the pressing need for the Public Prosecutor institution to adapt their actions specifically to the guidelines set out in the penal legislation that controls the Mexican legal system, amongst all civil servants responsible for the implementation of preliminary investigations. This will be achieved through training courses and will allow them to carry out their work legally, honourably, faithfully, impartially and efficiently, as is required for this service. The rights of the victims of crime will also be considered at all times.

**FOURTH.** Circulate instructions to Coordination of Social Communication of the state of Aguascalientes, in order to issue the necessary measures to guarantee the media of this federal entity, access to information generated. This is relating to action carried out by the state executive. Provide this autonomous public organism with information of the outcomes of the procedures.

**FIFTH.** Instruct whom it may concern to remove the advertisements exposed on public transport vehicles containing images and text that represent a violation of the right to honour and a clear name of V1 and V2. Additionally, instruct the Secretary of Public Safety and Roads of the state of Aguascalientes to issue the manuals of organisation, procedure and additional necessary material, as specified in articles 26 C, section XL of the Fundamental Law of Administration of the State of Aguascalientes, as well as 24, section XXIV, of this Secretariat's Internal Rules of Procedure. This is to monitor the publicity carried by vehicles that provide a public passenger transport service, with strict observance of human rights. Provide the National Commission with information regarding the progress and outcome of the procedures.

**RECOMMENDATION 04/2011**

Mexico City, February 1st, 2011

CASE: **HOSTAL A AND THE CIVIL ASSOCIATION B**

AUTHORITY RESPONSIBLE:

ATTORNEY GENERAL'S OFFICE

On April 8th, 2010, the National Commission received a written complaint presented by O1. It states that on March 2<sup>nd</sup>, 2010, three migrants arrived at Hostel A and showed signs of having been kidnapped. Therefore, once the competent authorities had been informed and when a police operation had been performed, the Attorney General's Office arrested three people of central-American origin for their alleged responsibility for the crime of kidnapping.

It also states that on March 5<sup>th</sup>, 2010, a note was published relating to these events, in a local newspaper of the state of Coahuila. The names of the alleged culprits and the launch of the preliminary investigation 1 were published as well as the victims' request for aid from staff at

Hostel A (whose address appears). Along with the antecedents of the case, part of the events of the Attorney General's Office was provided.

As a consequence of the above, Q1 requested the intervention of the National Commission. This is because they consider that revealing information relating to a denouncement carried out by Attorney General's Office staff put the staff of civil association B and hostel A in a vulnerable and risky situation. For the implementation of the file, the Attorney General's Office was asked to provide the respective information, which was produced, in due course.

The logical legal analysis carried out on the evidence of this complaint file, shows that there are sufficient convincing elements to prove the violation of human rights of legality and legal security, as a result of an omission of privacy. It also finds that the content of evidence that compiles the preliminary investigation should not be revealed, nor should information that, due to its nature can endanger the persons' integrity, in this case, to the detriment of the members and collaborators of hostel A and civil association B.

Given the above, in order to avoid similar situations, the National Human Rights Commission considers it appropriate to form with all due respect the following **RECOMMENDATIONS:**

**TO THE ATTORNEY GENERAL:**

**FIRST.** To fully collaborate with the National Human Rights Commission, from the beginning and throughout the complaints procedure brought before the Internal Control Body of the Attorney General's Office. This is to determine what the civil servants of this Institution could have done regarding administrative responsibility, in relation to the events that have been discussed in this present document. Additionally, provide the National Commission with evidence to prove completion of the above.

**SECOND.** Circulate instructions, to whom it may concern, so that the necessary processes are carried out to eliminate the information regarding the name and address of hostel A published in the state press release DPE/1089/10 on March 4<sup>th</sup>, 2010. Promote the necessary security measures so that in similar cases to that which brought about the present statement the information contained in preliminary investigations under the authority of Public Prosecutor's Office agents, remains private. In particular, this is necessary when the publication could put somebody's life, safety or health at risk. In addition, the national institution also requires evidence that proves accomplishment of the above.

**THIRD.** Circulate instructions, to whom it may concern, so that the necessary security measures are taken to protect the members of hostel A and civil association B, as well as providing the national institution with evidence that proves accomplishment of the above.

**RECOMMENDATION 05/2011**

Mexico City, 3rd February, 2011

CASE: **NEGLIGENCE DUE TO THE INADEQUATE MEDICAL CARE OF V1 AND V2 AT THE WOMEN'S HOSPITAL RUN BY THE FEDERAL DEPARTMENT OF HEALTH**

AUTHORITY RESPONSIBLE:

FEDERAL SECRETARY OF PUBLIC HEALTH

On 3<sup>rd</sup> September, 2010, V1, a 42 year old woman, in the 37<sup>th</sup> and 38<sup>th</sup> week of pregnancy, went to emergency services at the Women's Hospital run by the Federal Department of Health, given that she was experiencing contractions. Later, the medical staff that attended her, without specifying her personal details, informed her that she would be sent to the operating theatre, in order to perform a caesarean birth. However, this was not carried out due to her irregular blood pressure. Furthermore, according the complaint, V1 returned to a regular stability. However,

medical staff of said hospital denied her the caesarean, without showing identification details. The decision was based on the fact that the patient was 37 weeks pregnant. Additionally, on September 6<sup>th</sup>, 2010, they carried out various tests that indicated that V1 and V2 (the baby) were healthy.

Eventually, on September 9<sup>th</sup>, 2010, medical staff at the Women's Hospital run by the Secretariat of Public Health informed Q1 that V2 no longer showed signs of movement and that they no longer detected its pulse. As a result, V1 underwent a caesarean, but the baby was removed, no longer alive. Given the above, on September 10<sup>th</sup>, 2010, Q1 presented a complaint before the Human Rights Commission of Mexico City. This was then passed on to the National Human Rights Commission, on September 14<sup>th</sup> of the same month and year, which led to the national institution's request for the respective report from the head of the Women's Hospital run by the Secretariat of Public Health.

The logical legal analysis carried out on the collection of evidence that constitutes file CNDH/1/2010/5441/Q, under the provisions of article 41 of the Law on the National Human Rights Commission, evidenced elements that proved violations to V1's human right to health protection and V2's right to life. These violations are attributable to medical staff at the Women's Hospital run by the Federal Secretariat of Public Health.

As a result, the National Human Rights Commission presents, with all due respect, the following **RECOMMENDATIONS:**

**TO THE SECRETARY OF PUBLIC HEALTH:**

**FIRST.** Provide instruction to whom it may concern, so that the necessary measures are taken to repair damage and compensate V1 and Q1, or whomever may have or whoever is more rightfully entitled, regarding the institutional responsibility incurred by AR1, AR2, AR3, AR4, AR5 and AR6. These are the doctors assigned to the High Risk Pregnancy service of the Women's Hospital run by the Secretariat of Public Health that attended V1 and failed to check the stability of V1 and V2. Additionally, provide the National Commission with evidence that proves accomplishment of the above.

**SECOND.** Circulate instructions to whom it may concern, in order to repair physical and psychological damages to V1 and Q1, which will reduce the suffering present in each specific case. This is through the necessary medical and psychological treatment to recuperate their physical and emotional health. Additionally, provide the National Commission with evidence that proves accomplishment of the above.

**THIRD.** Circulate instructions to whom it may concern so that the Women's Hospital run by the Federal Secretariat of Public Health design and deliver integral training programmes regarding content, use and observance of the Official Mexican Norms regarding public health. This is so that the service provided by the medical staff adapts to the framework of legality and healthy administrative practice that they must obey. This is in order to guarantee and supervise the application of study and intervention protocols necessary for the implementation of accurate diagnosis, which gives way to adequate treatment. Additionally, this will lead to opportune and quality medical attention in order to avoid acts such as those that brought about the present declaration. Additionally, provide the National Commission with evidence that proves accomplishment of the above, as well as indications of procedure or evaluation applied to the staff that receive the same instruction, specifying the effective impact produced by training.

**FOURTH.** Circulate instructions to whom it may concern in order to oblige medical staff at the Women's Hospital run by the Secretariat of Public Health to present certification and recertification processed before the Council of Medical Specialities. This is to prove possession of the necessary actualisation, experience and knowledge for maintaining the skills needed to offer professional and adequate medical service.

**FIFTH.** Full collaboration with the national institution in presenting and processing the complaint brought before the Federal Secretariat of Public Health Internal Control Body, presented

against AR1, AR2, AR3, AR4, AR5 and AR6. This is, against medical staff at the Women's Hospital involved in the events presented by this recommendation. Additionally, provide the National Commission with the evidence required.

**SIXTH.** Collaboration, as required, in the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the Attorney General's Office. This is due to the involvement of federal civil servants. Additionally, provide the national institution with any evidence requested.

**RECOMMENDATION 06/2011**

Mexico City, February 22nd, 2011

**CASE: NEGLIGENCE DUE TO THE INADEQUATE MEDICAL CARE OF V1 AND NEGLIGENT DEATH OF V2, IN THE STATE OF HIDALGO**

**AUTHORITY RESPONSIBLE:**

CONSTITUTIONAL GOVERNOR OF THE STATE OF HIDALGO

On July 31st, 2010, V1, a 21 year old woman, in the twenty-fourth week of pregnancy, went to the Emergency area of the General Hospital of Tulancingo de Bravo, Hidalgo, run by the Secretariat of Public Health of this state, due to vaginal bleeding. She received an ultrasound scan and was informed that her membranes had broken. The following day, she received another ultrasound scan, which showed V2 to be alive and with a healthy pulse. However, on August 2<sup>nd</sup>, 2010, AR1, a doctor assigned to the Gynaecology department of the General Hospital of Tulancingo de Bravo, Hidalgo, informed that an induced birth was necessary. Mother V1 asked for a second opinion from AR2, another doctor of the aforementioned department, who following the request indicated that the baby had died 24 hours previously. Therefore, AR3, another doctor of the aforementioned department, administered misoprostol in order to induce the birth.

Eventually, on August 3<sup>rd</sup>, 2010, AR2 reported that the patient gave birth to a female baby that was no longer alive.

On August 3<sup>rd</sup>, 2010, the body of V2 was given to family members, who found her to be alive and therefore took her to a private consultancy where they were informed that she presented signs of severe hyperthermia. She was then taken to the General Hospital of Pachuca, Hidalgo, where on August 5<sup>th</sup>, 2010 she died despite having received adequate medical attention for "prenatal asphyxia due to cardiopulmonary organ immaturity and prematurity."

Given the above, this National Human Rights Commission exercised its authority to assert jurisdiction in order to discover and investigate the events that took place in this case.

It must be mentioned that at the date of production of this recommendation, the penal cause 1 is in the phase of instruction, regarding some of the civil servants that attended V1. However, in terms of AR2, a doctor assigned to the Gynaecology Department of the General Hospital of Tulancingo de Bravo, Hidalgo, the aforementioned penal cause has been suspended because the civil servant removed herself from the legal action, due to the existence of an arrest warrant.

On August 19<sup>th</sup>, 2010, the National Medical Arbitration Commission issued a medical report regarding the present case, which concluded that AR2 and AR3, doctors assigned to the Gynaecological Department of the General Hospital of Tulancingo de Bravo, Hidalgo, should have referred V1 to a more capable establishment that could have offered V2 the necessary attention. Furthermore, it concluded that the use of misoprostol was not justified and they did not meet the sanitary norms regarding the overseeing of the labour process. Additionally, it determined that AR2

did not request the help of a paediatric nurse during the labour, which led to the incorrect diagnosis of a dead foetus and meant that V2 did not receive the necessary revival techniques.

The logical legal analysis of the collection of evidence that constitute file CNDH/1/2010/4541/Q, under the provisions of article 41 of the Law on the National Human Rights Commission, shows that the national institution presented elements that evidence violations of V1's right to health protection and V2's right to life. Such acts are attributable to medical staff of the General Hospital of Tulancingo de Bravo, Hidalgo run by the state Secretariat of Public Health.

Consequently, this National Human Rights Commission presents, with all due respect, the following **RECOMMENDATIONS:**

**TO THE CONSTITUTIONAL GOVERNOR OF THE STATE OF HIDALGO:**

**FIRST.** Instruct whom it may concern, so that the necessary measures are taken to compensate and repair damaged caused to V1, or who may have greater right than them, regarding the institutional responsibility incurred by the doctors at the General Hospital of Tulancingo de Bravo, Hidalgo run by this state's Secretariat of Public Health. This is, under the provisions of the legislation applicable to the matter, bearing in mind the considerations presented in the observations chapter of this recommendation. Additionally, provide the National Commission with evidence that proves completion of the above.

**SECOND.** Circulate instructions to whom it may concern to provide V1 with the necessary medical and psychological treatment for her physical and emotional recuperation. Additionally, provide the National Commission with evidence that proves completion of the above.

**THIRD.** Circulate instructions to whom it may concern so that the General Hospital of Tulancingo de Bravo, Hidalgo, design and deliver integral training programmes on the content, use of and observance of the Official Mexican Norms concerning health. This is so that the service provided by medical staff can be adapted to the framework of legality and healthy administrative practice that must be observed. This is to provide and guarantee the application of protocols of studies and intervention necessary for the implementation of specific diagnosis that lead to adequate treatment as well as opportune and quality medical attention. Therefore, avoiding acts such as those that brought about this declaration. Additionally, provide the National Commission with evidence that proves accomplishment of the above, as well as indicators of management or evaluation of the staff that receive the same instruction, in which the effective impact of the training is specified.

**FOURTH.** Circulate instructions to whom it may concern in order to implement the obligation to medical staff of the General Hospital of Tulancingo de Bravo, Hidalgo run by the Secretariat of Public Health the presentation of certification and recertification processed before the Council of Medical Specialities. This is to prove possession of the necessary actualisation, experience and knowledge for maintaining the necessary skills to offer professional and adequate medical service.

**FIFTH.** Full collaboration with the national institution in presenting and processing the complaint brought before the Federal Secretariat of Public Health Internal Control Body, presented against AR1, AR2 and AR3. This is, against medical staff at the General Hospital of Tulancingo de Bravo, Hidalgo, involved in the events presented by this recommendation. Additionally, provide the National Commission with the evidence required.

**SIXTH.** Due collaboration in the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the District Attorney's Office of the state of Hidalgo. This is due to the involvement of federal civil servants. Additionally, provide the national institution with any evidence requested.

**RECOMMENDATION 07/2011**

Mexico City, February 22<sup>nd</sup>, 2011

**CASE: "RESPITE CARE HOME FOR MINORS RUN BY THE BENITO JUÁREZ MUNICIPAL SYSTEM FOR INTEGRAL FAMILY DEVELOPMENT", QUINTANA ROO**

**AUTHORITY RESPONSIBLE:**

MEMBERS OF THE HONOURABLE CITY HALL OF BENITO JUÁREZ, QUINTANA ROO

On May 21st, 2010, Q1 (mother of V1) presented a written complaint before the Quintana Roo State Human Rights Commission, regarding her daughter, who was staying at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development" in the city of Cancún, Quintana Roo. She announced that she was victim of maltreatment from other children, as well as staff that worked there, adding that they punished and locked her up in an area known as "confinement", where she had to sleep on a dirty and broken mattress. This was the catalyst for file 1.

Additionally, on August 3<sup>rd</sup>, 2010, a note was published in the newspaper "Quintana Roo Journal", in which it was written that Q1 had stated that V1 had been a victim of sexual abuse from another girl within the installations of the aforementioned "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". Therefore, the Quintana Roo State Human Rights Commission launched file 2, the following day.

In continuation, on August 9<sup>th</sup>, 2010, staff at the State of Quintana Roo Human Rights Commission, accompanied by AR1, delegate of The Agency for the Defence of Minors and the Family of the district municipality of Benito Juárez System for Integral Family Development, carried out a visit to the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". There, the visual inspection revealed a room reminiscent of a prison cell, 2 metres wide and 3 metres long, with welded bars instead of a door, which could only be opened from outside. Inside there was a single bed, a punch bag, a sealed window and no sanitary or electric installations. AR1 specifically referred to this room as a "room for reflection or isolation", in which they put the minors that experienced moments of stress, high levels of aggression or abstinence syndrome.

Later, on August 11<sup>th</sup>, 2010, Q2 presented a complaint before the aforementioned state commission, given that his wife (V2), who was held captive at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development" told him that both her and her daughter (V3) suffered maltreatment from the nursing staff (AR2 and AR3). Additionally, she told that when someone misbehaved they were locked in the aforementioned "confinement room", as well as the fact that on nearly a daily basis V3 experienced a high temperature due to a lack of hygiene and attention from the staff in charge of her care. This provoked Q2 and V2 to report the events to the "director of the care home", who limited herself to requesting an explanation from AR2 and AR3, which brought about the file launch on the same day.

On August 13<sup>th</sup>, 2010, Q3 (mother of V4) presented a complaint before the Quintana Roo state Human Rights Commission, regarding the fact that her daughter, who was staying at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development", demonstrated that she felt scared to stay there. This is due to the fact that the carers told her off a lot and punished her leaving her without food and drink. This brought about the file launch. On the date indicated in the previous paragraph, Q4 (mother of V5) also present a complaint before the aforementioned state commission, given that she could not justify that the staff of the aforementioned temporary care home would not return her child to her, especially considering that



her daughter cried on several occasions that she did not want to stay there. This brought about the file launch.

Given the above, and the fact that the events surpass the concern of the federal entity and have bearing on the nation's public opinion, as it is a matter that involves at least eighteen minors, this National Human Rights Commission exercised its authority to assert jurisdiction. This was carried out under the provisions of article 60 of the Law on the National Human Rights Commission and 14 of its internal rules of procedure in order to discover the facts. Additionally, it requested the corresponding report from the president of the district municipality of Benito Juárez System for Integral Family Development.

The logical legal analysis of the collection of evidence that constitute file CNDH/1/2010/4506/Q, under the provisions of article 41 of the Law on the National Human Rights Commission, showed the presence of elements that prove violations of the right to dignified treatment, personal integrity and safety, to the detriment of V1, V2, V3, V4 and V5, as well as other boys and girls staying at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". The violations are attributable to civil servants of this institution.

As a result, this National Human Rights Commission presents, with all due respect, the following **RECOMMENDATIONS:**

**TO THOSE AT THE CITY COUNCIL OF BENITO JUÁREZ, QUINTANA ROO:**

**FIRST.** Circulate instructions so that the civil servants of the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development" stop holding in enclosed conditions the boys and girls that live there or that stay in another place under their care and custody; Therefore, eradicating their detention in the "confinement room" or any other room of a similar nature.

**SECOND.** Instruct whom it may concern to repair the damages caused to the minors that stayed or stay at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". This is regarding the institutional responsibility incurred by the district municipality of Benito Juárez System for Integral Family Development staff, which will reduce the suffering present in each specific case. This is through the necessary medical and psychological treatment to recuperate their physical and emotional health. Additionally, provide the National Commission with evidence that proves accomplishment of the above.

**THIRD.** Circulate instructions to whom it may concern in order to design and deliver integral training courses for civil servants of the district municipality of Benito Juárez System for Integral Family Development staff, specifically for the staff at the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". These are related to strategies offering alternatives to optimise the healthy psychological and physical development of the minors and aimed at protecting the personal, psychological and emotional integrity of the children that are in the care and custody of this institution. This is to avoid acts such as those that brought about this declaration. Additionally, provide the national institution with evidence that proves accomplishment of the above, as well as indications of management or evaluation applied to the staff that received the same instruction, in which the effective impact of the training is specified.

**FOURTH.** Circulate instructions so that this municipal district's civil servants adopt preventive methods that impede repetition of the events highlighted in this declaration. This consists in continuous visits, verification and registration the functioning of the "Respite Care Home run by the Benito Juárez Municipal System for Integral Family Development". This is so that the home in question complies with the requirements demanded by related national and international legislation. Additionally, keep the National Commission informed of the progress and outcomes of the above.

**FIFTH.** Full collaboration with this National Human Rights Commission in the presentation and processing of the complaint brought before the Comptrollership of the municipal district of

Benito Juárez, Quintana Roo, against the civil servants involved in the events of this recommendation. Additionally, provide the national institution with any evidence required.

**SIXTH.** Collaboration, where required, in the investigations derived from the complaint regarding the events, which the National Human Rights Commission presents before the Quintana Roo state District Attorney's Office, given the involvement of local civil servants. Additionally, provide the national institution with any evidence requested.

**RECOMMENDATION 08/2011**

Mexico City, February 25th, 2011

**CASE: THE DEATH OF V1 AND ILLEGAL RESTRAINT OF V2, IN HUAMUXTITLÁN MUNICIPAL DISTRICT, GUERRERO**

AUTHORITY RESPONSIBLE:  
SECRETARY OF NATIONAL DEFENCE

On June 22nd, 2009, informative bulletins were published in a number of media sources, which on June 20<sup>th</sup>, 2009 divulged information on members of the Mexican Armed Forces assigned to the 93<sup>rd</sup> Infantry Battalion in Tlapa de Comonfort, Guerrero, belonging to the 35<sup>th</sup> Military Zone, with headquarters in Chilpancingo. It was published that in this federal entity, amongst those present AR1, AR2, AR3, AR4 and AR5, shot at a passenger bus near the municipal administrative centre of Huamuxtitlán, in the region La Montaña, Guerrero. One of the bullets that they shot hit passenger V1, who lost their life there.

Regarding the above, in accordance with articles 6, section II, subsection a), of the Law on the National Human Rights Commission and 89 of its internal rules of procedure, this human rights protection institution launched file CNDH/2/2009/2896/Q. In order to document the reported violations to human rights, visitors worked in several ways to gather information, statements, photographs and other documentation. Additionally, reports were requested from the Secretariat of National Defence, the Attorney General's Office and the Guerrero state District Attorney's Office, whose logical legal assessment is an object of analysis in the observations chapter of this recommendation.

Additionally, on December 4<sup>th</sup>, 2009, due to reasons of competency, the National Commission received a written complaint presented by Q1 before the Guerrero state Human Rights Defence Commission. It stated that at approximately 21:00 hours on June 20<sup>th</sup>, 2009, on the Chilpancingo-Las Peñas-Puebla motorway, Tlapa-Huamuxtitlán stretch, at the crossing direction Santa Cruz, a military squad signalled for a passenger bus to stop. The bus stopped and members of the Mexican Armed Forces belonging to the 93<sup>rd</sup> Infantry Battalion of the 35<sup>th</sup> Military Zone asked the passengers to leave the vehicle and proceeded to carry out checks. V2 was arrested, and was later offered access to the general jurisdiction of the delegation for their probable responsibility for the crime of unlawful use of official uniforms and accessories.

Upon finishing the checks they were asked to board the bus once again, after which the driver started up the engine and continued his journey. However, at this point, the military officers once again signalled for him to stop and given that T1 did not obey the instruction, they shot their guns at the vehicle causing the death of V1. Finally, V2 appeared before the Public Prosecutor's Officer of the general jurisdiction at 15:09 hours, on June 21<sup>st</sup>, 2009. However, the arrest took place at 21:00 and 22:30 hours of the previous day.

Using the logical legal analysis of the collection of evidence that constitute the complaint file CNDH/2/2009/2896/Q, the National Human Rights Commission observed violations to the human rights to life, personal integrity and safety, legality and legal security, to the detriment of V1 and V2. This is due to consistent acts of murder and arbitrary use of public force attributable to AR1,

AR2, AR3, AR4 and AR5. This is in addition to illegal arrest attributable to AR, AR7 and AR, members of the 93<sup>rd</sup> Infantry Battalion of the 35<sup>th</sup> Military Zone in Chilpancingo, Guerrero.

Given the above, this National Human Rights Commission considers it appropriate to present, with all due respect, the following **RECOMMENDATIONS:**

**TO THE SECRETARY OF NATIONAL DEFENCE:**

**FIRST.** Instruct whom it may concern in order to provide the corresponding compensation and repair of damages caused to relatives of V1, through the necessary psychological, medical and rehabilitation support. Additionally, provide the National Commission with evidence that proves the completion of the above.

**SECOND.** Collaborate fully with the National Human Rights Commission in the complaints process that the public institution presents before the General Inspection and Comptrollership Unit of the Mexican Army and Air Force, against military officers that intervened in the events that constitute his case. Additionally, provide the national institution with any evidence requested, as well as evidence that proves completion of the above.

**THIRD.** Collaborate fully in the presentation and follow up to the complaint of the events that the National Commission presents before the Attorney General's Office and the Office of the General Attorney of Military Justice, respectively. This is so that the competent spheres launch preliminary investigations that are legally correspondent given the involvement of federal civil servants whose conduct launched this declaration. Additionally, provide this human rights protection institution with any evidence requested.

**FOURTH.** Issue an ordinance directed to the supreme and medium Powers, and to the troop members, in order to guarantee that the people that are arrested in Military Armed Force operations are not taken to military installations and that they are instead put in immediate contact with the corresponding authority. Once carried out, swiftly inform the national institution of its completion.

**FIFTH.** Instruct whom it may concern so that the application of the "Human Rights Programme S.D.N. 2008-2010" is intensified. Additionally, it must direct itself to the medium powers and the troop members. Furthermore, it must generate management indicators to evaluate the effective impact of the training in human rights matters. Additionally, it must provide the national institution with evidence of completion of the above.

**SIXTH.** Instruct whom it may concern so that corresponding previous studies issue instruction and rules or orders to regulate the proportional use of public force, considering principals of legality, necessity and proportionality. This must be published in the Official Journal of the Federation and in an easily distributable document to be delivered to all troop and official staff that carry out public security roles. This is in addition to the implementation of informative courses. Additionally, provide the national institution with evidence that proves completion of the above.

## DIRECTORY

President

*Raúl Plascencia Villanueva*

First General Visitor

*Luis García López Guerrero*

Second General Visitor

*Marat Paredes Montiel*

Third General Visitor

*Guillermo Andrés G. Aguirre Aguilar*

Fourth General Visitor

*Cruz Teresa Paniagua Jiménez*

Fifth General Visitor  
*Fernando Batista Jiménez*

Executive Secretary  
*Luis Ortiz Monasterio*

Technical Secretary for the Consulting Council  
*José Zamora Grant*

## EXECUTIVE SECRETARY

Blvd. Adolfo López Mateos, 1922, 1<sup>st</sup> floor,  
Col. Tlacopac, Del. Álvaro Obregón, C.P. 01049, México, D.F.  
Telephone: (52 55) 17 19 20 00 ext. 8725  
Fax: (52.55) 17 19 21 53  
Toll free line: 01 800 715 2000  
Correspondence  
[anadarbella@cndh.org.mx](mailto:anadarbella@cndh.org.mx)  
<http://www.cndh.org.mx>