



Comisión Nacional de los
Derechos Humanos
MEXICO

Newsletter

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The voice of the President

Remarks from Doctor Raul Plascencia Villanueva, president of the National Human Rights Commission, at the Opening Ceremony of the International Seminar a Response to Violence against Women: The Convention of Belem Do Para, carried out by the National Human Rights Commission and the International Commission on Women, of the Organization of American States.



Mexico City, November 26th, 2013

Mr. Jose Miguel Insulza, General Secretary of the Organization of American States, Mr. Raul Cervantes Andrade, President of the Directive Board of the Senate of the Republic.

Ladies and Gentlemen:

First I want to thank to Mr. Jose Miguel Insulza and to the Organization of American States for your invaluable cooperation in order to make

possible this event. I greet and thank the presence of all of you. Your participation is a highly reference of the priority this issue has within Mexico. Also I express my gratitude to the personalities that will give lectures regarding this international seminar issues, for their generosity by sharing with all of us their experiences and knowledge in the matter.

I want to highlight that the need to carry out and to multiply forums like this, is an symptomatic expression on the worrisome situation prevailing almost all over our continent, due that gender violence is still a daily matter in our countries, without being enough, up to date, efforts conducted by our government.

In this country, we have achieved; The adoption of the General Act on Women's Access to a Violence Free Life; however, still we it can be proved that has been fundamentally decreased, nor less, violence rates against feminine gender.

It is necessary to redouble ef-

forts from all Institutional Power ambits, also from collective expression Forums and organized mechanisms of the civil society.

Ladies and gentlemen:

In this seminar will be carried out a review within keeping status of women human rights in America and in our country, especially at violence to right to free life and without discrimination.

The foregoing will allow meditating on the actions carried out in this line and on initiatives that have to be pushed forward in order to trace back the historic period in which violence and gender discrimination have prevailed, aiming to reach to a state of harmonious coexistence to reclaim women's dignity.

Finally, I would like to point out that this seminar aims to be fully a success in benefit to women's cause, for a dignified and peaceful life. Many Thanks.

Event of the month

Dr. Raul Plascencia Villanueva, President of the CNDH, was elected as President of the Ibero- American Ombudsman Federation (Spanish acronym-FIO)

The president of the CNDH was unanimously elected and by acclamation, President of the Ibero-American Ombudsman Federation, held in San Juan, Puerto Rico. Principal aim of the Federation is to be a Forum for cooperation, experiences interchange, as well as to promotion, dissemination, enforcement to the Ombudsman Institution. Actually, Fio is integrated by 20 nations; Andorra, Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Puerto Rico, Uruguay and Venezuela, and also around 100 of state institutions, provincial or autonomous communities of member countries.



UNJUSTIFIED VIOLENCE AGAINST WOMEN: CNDH

CGCP/312/13

November 1st, 2013

The president of the CNDH ensured that gender violence does not have justification and is unacceptable to any nation looking for democracy and equality as main virtue.

At participation at the National Consult Forum for the Integral Program Development on Prevention,

Care, Punish and to eradicate Violence Against Women, the Ombudsman noted that it's a important social problem, gender inequality prevailing in Mexico an in various regions worldwide.

He pointed out that the CNDH has joined efforts to create a greater awareness in human rights respect, in general and specially to those of women.

The president of the CNDH called upon urgently to harmonize the federal and state laws and to fully incorporate international instruments in which our country is part of.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_312.pdf

DOCTOR PLASCENCIA VILLANUEVA REQUIRED TO OMBUDSMAN IN ALL THE COUNTRY, TO REDOUBLE EFFORTS

CGCP/313/13

November 2nd, 2013

National Ombudsman invited the 32 peoples' defenders in Mexico to redouble efforts, strengthen coordination and to give additional impetus to their job in order to make real regarding human rights.

He highlighted task's importance entrusted by the society, said, "Because we're like allies in defense of their rights that we pro-

tect and defend before any power abuse".

At opening of the 39° National ordinary Congress of the Mexican Federation of Human Rights Public Organisms (Spanish acronym - FMOPDH), noted that the Ombudsman represents a unified front working coordinately to monitor that authorities leads with full respect regarding human rights.

The president of the CNDH led Collaboration Agree-

ments signing within training matter, education, dissemination in human rights, between CNDH and the FMOPDH.

The audiovisual interactive website "CNDH Sees You" was introduced, this tool allows to multiply dissemination capacity on lawfulness culture and human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_313.pdf

CNDH INVESTIGATES STUDENT'S AGGRESSION AT THE TELESECUNDARIA IN EL SALADILLO, ZACATECAS

CGCP/314/13

November 3rd, 2013

The CNDH brought complaint in which initiated research by the alleged human rights violation of the students from the Telesecundaria located at the community of El Saladillo, Zacatecas; due to a professor asked students (girls) take off their underwear aiming to conduct a

search. This national Organism will require reports, in order to gather evidences and in due time appropriate determination pursuant to law, will be issued.

The CNDH counts with the National Program to Abate and Eliminate School Violence, with which intends to avoid damages to pedagogic process and psychological problems, to

18 million 781 thousand 875 girls and boys studying elementary or high school.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_314.pdf

THE CNDH ISSUED RECOMMENDATION BY ACTS OF NUISANCE AND OF INAPPROPRIATE SEARCHES AT CIVIL AIRPORTS OF THE COUNTRY

CGCP/315/13

November 4th, 2013

The CNDH issued Recommendation 50/2013, addressed to the National Safety Commission, due to was learned about actions carried out by elements of the Federal Police of the Secretariat of Interior, consistent in arbitrary searches to users and passengers at various civil airports along the Mexican Republic, violating their human

rights to dignified treatment, non-discrimination, freedom, privacy and personal integrity, lawfulness and legal certainty.

This national Organism has evidences regarding to no less than 50 passengers that were subjects of intimidating questioning and personal searches, without being motivated by demonstrable flagrante delicto or prima facie evidence, to justify rights restriction.

The CNDH reiterates its commitment within respect and protection of users and passengers of airports along the country.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_315.pdf

THE CNDH GEBAN EX OFFICIO INVESTIGATION DUE TO JOURNALIST'S HOMICIDED IN SINALOA

CGCP/316/13

November 5th, 2013

The CNDH began an ex officio research, by the case of journalist from the State of Sonora, Alberto Angulo Gerardo, who, according data published in various media, was deprived of his life while driving in the street at Sinaloa downtown with his family.

In consequence a group of assistant visitors visited the scene, in order to gather evidences

and testimonies, due that is State's responsibility to prevent any action violating freedom of expression.

The National Human Rights Commission punctually will follow up to the events, and in due time, appropriate determination pursuant to law will be issued.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_316.pdf

THE CNDH INVESTIGATE: CASE OF NEGLECT CARE TO A WOMAN THAT GAVER BIRTH IN THE STREET

CGCP/317/13

November 6th, 2013

The CNDH began ex officio complaint to investigate alleged human rights violations, committed against a woman aged 24, who gave birth on the street, before medical personnel of the health clinic of San Antonio de la Cal, Oaxaca, will indicate that there was still time for the birth of her son.

Assistant visitors of the CNDH visited the municipality to gather sufficient evidence to prove human rights violations. This national Organism called upon health authorities of the State of Oaxaca, aiming to ensured health care, as well as physical integrity and physic of the aggrieved and her newborn.

Once investigation is concluded and after the analysis and as-

essment of evidences, appropriate determination pursuant to law will be issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_317.pdf

DR. RAUL PLASCENCIA VILLANUEVA, PRESIDENT OF THE CNDH, WAS ELECTED PRESIDENT OF THE IBERO-AMERICAN OMBUDSMAN FEDERATION (Spanish acronym-FIO)

CGCP/318/13

November 6th, 2013

The president of the CNDH was unanimously elected as and by acclamation President of the Ibero-American Ombudsman Federation (Spanish acronym FIO), at framework of the VIII General Assembly of the Federation, held in

San Juan, Puerto Rico. Main target of the Federation is to be a forum for the cooperation, experiences interchange, as well as for promotion, dissemination and strengthen of the Ombudsman Institution. Actually FIO is integrated by 20 nations; Andorra, Argentina, Bolivia, Brasil, Colombia, Costa Rica, Ecuador, El Salvador, Espa-

ña, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Puerto Rico, Uruguay and Venezuela. Also around 100 of state institutions, provincial or autonomous communities from country members.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_318.pdf

RECOMMENDATION BY INAPPROPRIATE LAW ENFORCEMENT AGAINST HUMAN RIGHTS DEFENDER

CGCP/319/13

November 7th, 2013

The CNDH issued Recommendation 44/2013, addressed to the governor of Chihuahua, by inadequate law enforcement in detriment to the human rights defender Marisela Escobedo Ortiz and three victims and offended by crime. Civil Defender and ONG member, issued complaint before this national Organism, in order to make known about events occurred while criminal prosecution, in regard her daughter's homicide, she was conducting peaceful

demonstrations looking for justice, however, later on it was learned about the aforementioned defender homicide. The CNDH found evidences of human rights violations to lawfulness, legal certainty, right to the true, against right defender, therefore requires to the Governor of Chihuahua to instruct the General Prosecutor of the state, to implement necessary actions to grant to relatives of necessary medical care, psychological, social and material assistance, until, mental problems and medical conditions, caused by their loss, ceased, to im-

plement necessary actions And work together with the CNDH at the procedure of the complaint and reporting, that this public Organism will hearing before the Specialized Prosecutor on Control, Analysis and Assessment attached to the General Prosecutor Office of the State of Chihuahua and the General Attorney's Office of the entity, against public servants involved in facts.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_319.pdf

CNDH INVESTIGATES ALLEGED HUMAN RIGHTS VIOLATION BY RELIGIOUS INTOLERANCE IN OAXACA

CGCP/320/13

November 8th, 2013

The national Ombudsman began ex officio complaint by alleged human rights violations of indigenous people professing evangelical religion, derived to the religious intolerance prevailing in the municipality

of San Juan Ozolotepec, Oaxaca. The head of the Town Council ordered to demolish their temple, lynching, arrest and torture to this religious congregation's followers. Assistant Visitors of the CNDH visited the foregoing town to meet with the affected, as well as with municipal authorities and from the state.

Once investigation is concluded and after analysis and assessment of the evidences, the CNDH will issue appropriate determination pursuant law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_320.pdf

THERE IS A NEED TO CREATE ENABLING ENVIRONMENT FOR PERSONS WITH DISABILITIES

CGCP/321/13

November 9th, 2013

To the CNDH it is necessary to speed up the establishment of enabling environments in order for persons with disabilities to have access to education, employment, health and social life.

As INEGI's data, in Mexico there are 5.7 million of people with disabilities, representing 5.1% of country's population;

although estimations suggest that real number could be doubled.

The CNDH, has increased efforts in the development of national campaigns and to encourage public policies in inclusion matter, linked with right to work, education and health protection.

It highlighted to recognize and assure their working rights and actually almost 2% of the personnel of this public auton-

omous Organism are people with disabilities.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_321.pdf

THE CNDH RECOMMENDS TO THE GOVERNMENT OF SONORA BY ABUSES CARRIED OUT BY ELEMENTS OF THE RESEARCH POLICE

CGCP/322/13

November 10th, 2013

The National Human Rights Commission issued Recommendation 54/2013, addressed to the Government of Sonora, by the torture, detention and arbitrary detention by which were victims a woman and a police agent, by elements of that government and of the state research police.

At aforementioned recommendation, the CNDH requires the Government of Sonora to proceed to damage repair caused to victims and to provide necessary medical care and psychological, in order to restore their emotional health and health.

The foregoing, was caused after the robbery of a suitcase with

money; also the CNDH confirmed that cited public servants, violated the right to lawfulness, legal certainty and the right to personal freedom, of the victims.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_322.pdf

LAWFULNESS CULTURE TO CHILDREN BENEFIT

CGCP/323/13

November 11th, 2013

To the CNDH it is a priority to assist children, but considers requiring special care for girls, who at the second decade of XXI century and because of prejudices prevailing, still suffered on inequality and discrimination with respect to boys.

As to data from the General Assembly of the United Na-

tions, of the two thousand one hundred millions of boys and girls existing in the planet (36% total population), near 900 million of girls and women live with less than a dollar a day, this population sector is more vulnerable and are considered the poorest among the poor.

The CNDH considers necessary to generate the appropriate means to create educational, cultural, business and sporting opportunities, with which all the country's children could be in conditions to strengthen an

appropriate development.

Noting that effective protection to children and elimination to marginalization and poverty gaps, are issues to be faced because are serious obstacles for full development of boys and girls.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_323.pdf

FIRST CNDH RECOMMENDATION ADDRESSED TO THE UNAM

CGCP/324/13

November 12th, 2013

The CNDH issued Recommendation 45/2013, addressed to the rector of the Universidad Nacional Autónoma de México, Dr. José Narro Robles, by case of the Physics Professor, who exercised violence against an underage aged 16. This is the first time that this national Organism, addressed to the most recognized

university a recommendation. By the conducted analysis to the documentaries and witness evidence by personnel of the CNDH, there were found human rights transgressions to integrity and personal safety, to social development, education, a dignified treatment and victim's access to justice was limited, as well as the superior interest of the boy and girl.

This national Organism required UNAM's rector, damage repair through psychological care to victim, also to collaborate with procedure for dealing with complaint and denounce before the controllership of the UNAM and with the Attorney General's Office respectively.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_324.pdf

WORKING MEETING BETWEEN THE CNDH AND IMSS TO PROTECT HUMAN RIGHTS

CGCP/325/13

November 13th, 2013

Members of the Consultative Council of the CNDH held a working meeting with the general director of the National Institute of Social Security (Spanish initials – IMSS), Dr. José Antonio González Anaya and his working team. Current Institution's situation

within topics to human rights protection linked with daily operation was analyzed; it was assessed status' complaint files lodged to the CNDH, as well as to follow up Collaboration Agreement signed between both institutions last June 24th. Dr. González Anaya highlighted the Social Security commitment to rigorous follow up and transparency to all issues in

health matter already learned by CNDH. The national Ombudsman, expressed his pleasure before that institution's openness in order to receive and to attend issued recommendations by the National Commission

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_325.pdf

CNDH CONFIRMS ITS COMMITMENT FOR VICTIMS' DEFENSE AND THE NEED TO ERADICATE IMPUNITY

CGCP/326/13

November 13th, 2013

The CNDH stated that its Recommendation 45/2013 was issued from carried out researches, because of received evidences and that from exhausted analysis it warned that by facts investigation, it was observed, besides the administrative responsibility, sta-

ted pendant penal responsibility; it was found that even abuses in the exercise of the public function, by part of the teacher that takes advantage of his charge to sexually harass the young woman. This national Organism did not pronounce by labour issue conducted by the UNAM, only because of the helpless state, denying the justice

option, and integral care access from that university, to record precedent in order to end this crime's impunity.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_326.pdf

THE CNDH INVESTIGATES COMPLAINT OF ANOTHER ALLEGED AGGRIEVED BY A PROFESSOR OF THE UNAM

CGCP/327/13

November 14th, 2013

Derived to Recommendation 45/2013 addressed to the UNAM, by case of a Physics professor, who exercised violence against a minor aged 16, the CNDH, received yesterday complaint of another female student alleged aggrieved by same teacher.

This National Commission will deeply research the case, because allegedly it refers to same professor that exercised violence against other female student aged 16, that motive Recommendation. The cited professor had previous criminal record by that type of behavior and hasn't been administrative punished nor legal, provoking grievances to remain in a state of impunity.

In this new case, once concluded investigation and evidences' analysis and assessment, the CNDH will issue determination pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_327.pdf

THE CNDH AND THE UNIVERSITY UAM AGREED ACTIONS TO PROMOTE HUMAN RIGHTS EDUCATION

CGCP/328/13

November 14th, 2013

The president of the CNDH, assured that one of our country's challenges actually is to link the work of civil society organizations to the work of public institutions such as universities.

The national Ombudsman participated at closing ceremony of the International Colloquium "University and human rights defenders institution", held at

the general rectorry of the Universidad Autonoma Metropolitana (UAM), where both institutions agreed various actions that will promote education on human rights.

The president of the CNDH maintained that University rights defenders institutions, at basing their actions on the constitutional legal order of Mexico, to base their actions on the constitutional legal order of Mexico have contributed not only to the improvement of

relationships and conviviality between teachers and students administrative staff of universities, but also to preserve the rule of law in our country.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_328.pdf

THE UNAM LEFT SEXUAL HARASSMENT VICTIM TO HER FATE

CGCP/329/13

November 14th, 2013

The National Human Rights Commission noted that it will be attentive and waiting for documents proving their actions, to accomplish Recommendation 45/2013.

This national Organism deplores the fact that the UNAM argued opposite to reality, in

consequence should be insisting to avoid complicit silences regarding sexual harassment against women; specially women students, but furthermore, to underage affectation.

In this case, the underage, sexually harassed, was left to her own devices, by the General Attorney Office of the UNAM, to which corresponded to attend the case.

The CNDH deplores the fact that there was a pretended conceal to this serious fact and minimize it, also by not taking measures up to date, to avoid the aforementioned abuses recur.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/>

THE CNDH INVESTIGATES DISCRIMINATION TO INDIGENOUS PEOPLE BY PERSONNEL OF AEROMEXICO

CGCP/330/13

November 15th, 2013

The CNDH, ex officio lodged complaint to investigate alleged human rights violations committed to indigenous people from Oaxaca that suffered discriminatory acts by Aeromexico Airline personnel.

This national Organism has

the Program on Promotion and Dissemination of Human Rights of Indigenous People and Communities, so far this year there have been trained over 10,700 people, there are 1,923 children and it also carried out 243 activities, among workshops, conferences, talks, forums, discussions and courses.

The CNDH will require to

the Secretariat of Communications and Transportation the correspondent report, in order to issue determination pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_330.pdf

IT IS URGENT TO DISMISS ALL INTOLERANCE ATTITUDES

CGCP/331/13

November 6th, 2013

To the CNDH is urgent to dismiss all intolerance attitudes, unfortunately subsisting in our country and reiterates its commitment to combat indifference, suffering and rebuff to people members of vulnerable groups, it considers it a priority to work for institutions' respect, even though differences are originated, in consequence we must promote tolerance

and avoid any kind of discrimination.

It's worthy to mention that the United Nations established November 16th, as the International Tolerance Day; noted consisting in the appreciation of respect, acceptance and rich culture diversity in our world, also on our forms of expression and ways of being.

Each person is free to attach to his/her own convictions and accept that the

others attach theirs.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_331.pdf

THE CNDH INVESTIGATES A CASE ON DISCRIMINATION TO STUDENT IN SAN CRISTÓBAL DE LAS CASAS

CGCP/332/13

November 17th, 2013

The CNDH began ex officio complaint by alleged human rights violation of an indigenous person student from Guatemala, who was kicked out from a cafeteria in San Cristobal de las Casas, Chiapas, because of her origin and way of dressing.

The National Commission strive to strengthen peoples' dignity and of Indigenous communities to ensure their full respect,

through promotion tasks and dissemination of their culture, in order to sensitize them, to let them know, understand, and have them effectively respected by the society.

In this case, the CNDH will require to the government of the state of Chiapas and to Municipality of San Cristobal de las Casas, corresponding report and once complaint file is integrated, appropriate determination pursuant to law will be issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_332.pdf

THE CNDH LOOKS AFTER INEQUALITY BETWEEN WOMEN AND MEN

CGCP/333/13

November 18th, 2013

The CNDH assured that nevertheless important laws have been promoted to achieve greater equality and to eradicate violence against women, in our country they are still living in inequality conditions, submission and discrimination.

This public autonomous Orga-

nism, conducted in 2013, 99 training activities in the country; also carried out link meetings and of work, aiming closer cooperation through establishment of inter-agency covenants and agreements, with various society actors interested in rights protection and defense to equality between women and men.

To support this tasks the CNDH

distributed 13 thousand 634 materials of dissemination like flyers, brochures, bookmarkers, videos, cds and books.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_333.pdf



INTRODUCTION OF THE NATIONAL DIAGNOSIS ON PENITENTIARY SUPERVISION 2012

CGCP/334/13

November 19th 2013

By introducing results of the National Diagnosis on Penitentiary Supervision 2012, the president of the CNDH, noted that our country's penitentiary system is going through a critical situation, in consequence it is necessary to establish a penalties regime implementation ensuring human rights respect.

The CNDH, visited 101 state social rehabilitation centers, 17

federal jails and three military prisons, where they are housing 79.93% of the penitentiary population in the country.

Among obstacles that faced personnel of the CNDH were; the prohibition to walk through prisons and to fully examine them, because it was argued that the keys padlocks of some areas were at inmates possession, besides that some cells were covered with cartons and blankets to impede to be observed.

The CNDH states that observance to inmates' human rights respect in no way means to relax or weaken safety conditions, nor less to influence in modifications within penalties imposed by judges.

The aforementioned diagnosis can be consulted at this national Organism website, www.cndh.org.mx.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_334.pdf



THE CNDH INVESTIGATES THE CASE OF A DETAINED PASSENGER IN THE AIRPORT OF MEXICO CITY

CGCP/335/13

November 20th, 2013

The president of the CNDH, began ex officio research by alleged human rights violations suffered by passenger detained at the International Airport of Mexico City, who was inten-

ded to allocate him a suitcase with drugs.

Due to the aforementioned, this public autonomous Organism will require reports to responsible authorities and will carry out necessary actions in order to gather evidences in regard to the occurred facts, so at its due time, to determine

what may result pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_335.pdf

THE CNDH AND THE PGR SIGNED A COLLABORATION AGREEMENT TO PROMOTE HUMAN RIGHTS FULFILLMENT

CGCP/336/13

November 21st, 2013



The CNDH and the PGR signed a Collaboration Agreement in which both institutions established a basis to develop and encourage coordinated activities in order to promote human rights observance, training and its dissemination along the

country.

The national Ombudsman noted this agreement will provide a better observance human rights and protection, exchange of experiences and knowledge, to support the best performance of public institutions, as well as right to an appropriate law enforcement, basic to ensure

protection of rights in the country.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_336.pdf

HUMAN RIGHTS: CULTURAL VICTORY OF MEXICAN PEOPLE THAT WE SHOULD CONSOLIDATE AND MAKE IRREVERSIBLE

CGCP/337/13

November 22nd, 2013

The national Ombudsman assured that human rights are the cultural victory of the People of Mexico that should be consolidated and irreversible; such advances, he noted, are the results of the shared will of the authorities and organizations of the civil society.

The aforementioned was said during the Collaboration Agreement signature between the CNDH, and the Executive Branch of Sinaloa and the State Human Rights Commission.

The national Ombudsman also took part in the State Meeting on Human Rights, where it was led the signing of the General Collaboration Agreements with

organizations of the civil society noted by their commitment to human rights protection in the entity.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_337.pdf

THE CNDH SUPERVISES RAID PAISANO (COUNTRYMAN)

CGCP/338/13

November 23rd, 2013

Assistant visitors of the CNDH supervise fulfillment of the Raid Paisano (Countryman) Winter 2013, to ensure and promote human rights of persons that during these days come from the United States.

Attorneys from the CNDH

provide to travelers information on human rights, and offer written material about thereof services and if necessary to assist them; aiming to prevent and avoid human rights violations and, if so, to attend these Mexicans' complaints.

The CNDH makes available to countrymen coming back to the country and citizens in general, toll free

phone number 01800 715 2000 and email mi-grantes@cndh.org.mx where they can look for information and legal counseling from any part of the country.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_338.pdf

THE CNDH REGRETS AGGRESSIONS SUFFERED BY JOURNALIST OSCAR MARIO BETETA; IT BEGAN EX OFFICIO INVESTIGATION

CGCP/339/13

November 24th, 2013

The CNDH, regrets aggression suffered by journalist Oscar Mario Beteta days ago, so it began an ex officio research, which according to data published in various media, he was physically and verbally assaulted on November 10th, at meet-

ing his family in a restaurant located in the south part of Mexico City.

The public autonomous Organism maintains that the State is responsible to prevent any act violating the freedom of expression.

The CNDH will monitor punctually events and will exercise

its powers to assure full respect and promotion of victim’s human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_339.pdf

AT THE INTERNATIONAL DAY FOR ELIMINATION OF VIOLENCE AGAINST WOMEN: IT IS URGENT TO DISMISS BEHAVIOURS THAT INFRINGE THEIR INDIVIDUAL RIGHTS

CGCP/340/13

November 25th, 2013

To the CNDH it is necessary to prevent and eradicate the various violence ways exercised against women in our country; it considers that it’s about time that women’s human rights to become a reality, to dismiss behaviors attempting against their lives and leaving back humiliation and transgressions

against them. Therefore, the National Commission

carries out different tasks, besides providing specialized training

courses seeking equality between women and men to become a reality and ensure full exercise of their rights.



Mexico requires the consolidation of a culture of human

rights protection specially to those that ensure women a violence free life.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_340.pdf

THE CNDH, OEA AND FMOPDH OPENED THE SEMINAR ON VIOLENCE AGAINST WOMEN

CGCP/341/13

November 26th, 2013

At participating in the International Seminar: Solution (One Response) to Violence Against Women:

The Belém do Pará Conven-



tion, the president of the CNDH noted that to eradicate violence against women problem, it is necessary redouble all spheres efforts; as institutional power, forums for expression and organized mechanisms of the civil society.

The national Ombudsman highlighted that the most awful exclusion forms of women are attacks against their physical integrity, sexual and psychological, because they are

the most forceful form of infringement and grievance against human dignity.

Violence against women is one of the problems that concerns the CNDH, “which is a humiliating behavior that unfortunately has been tolerated since long time ago and to dismiss it is no an easy task”.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_341.pdf

PUBLIC POLICIES AND LEGISLATIONS ARE INDISPENSIBLE, TO ASSIST INDIGENOUS PEOPLE PROBLEMS

CGCP/342/13

November 27th, 2013

The CNDH considers it indispensable for authorities to develop legislations and public policies to assist the many-sided problematic facing indigenous peoples and communities, in order to cover their primary needs as health, education, work, housing and



access to justice and it is required to focus public resources for them.

Through the Programme on Promotion and Dissemination of Human Rights of Indigenous People and Communities, the CNDH carries out actions for the protection, defense, promotion and dissemination of native peoples' human rights, through workshops, talks, courses, seminars and forums along the country.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_342.pdf

RECOMMENDATION ADDRESSED TO THE NATIONAL SAFETY COMMISSION BY EXCESSIVE USE OF FORCE

CGCP/343/13

November 28th, 2013

The CNDH issued recommendation 58/2013, addressed to the National Safety Commission, by case of excessive force use by an Officer attached to the Service of Federal Protection, in Celaya, Guanajuato, in detriment to a woman and her two underage sons, of which one of them was deprived of his life.

After exhaustive investiga-

tions, the CNDH has elements to evidence the human rights transgressions of the three victims to integrity, legal certainty, as well as to the superior interest of the boy and the girl, and infringement to right to life of the dead underage.

Thus, it is required to the National Safety Commission the damage repair to the dead child's relatives, also for detriments caused to the other two victims, to which should be given necessary medical care and

psychological help. To adopt necessary measures in order to fully provide public servants an Integral program on education and training in human rights matter.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_343_1.pdf

THE CNDH INVESTIGATES ALLEGED HUMAN RIGHTS VIOLATIONS TO ELEMENTARY SCHOOL STUDENTS AND PARENTS IN SAN JACINTO AMILPA, OAXACA

CGCP/344/13

November 29th, 2013

The CNDH brought complaint file by alleged human rights violations to elementary school students in San Jacinto Amilpa, Oaxaca, since the beginning of the school year 2013-2014 and that for several months they haven't had classes due to the workers were at protesting actions against the educative

reform.

The investigation is added to the ex officio previously opened by this National Commission, in order to analyze the alleged human rights violations to children suffering by lack of classes in Oaxaca.

Once concluded the investigation and after analysis and assessment of evidences, this national Organism will issue ap-

propriate determination pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_344.pdf

THE CNDH CALLS UPON TO ESTABLISH PRECAUTIONARY MEASURES TO ERADICATE DISCRIMINATION BY VIH AND AIDS

CGCP/345/13

November 30th, 2013

The CNDH calls upon the three tiers of government and to society to establish precautionary measures to eradicate discrimination to people with VIH and Aids and to comply with the international commitments in the matter.

To contribute to prevent this facts, the National Commission provides, assistance, legal advice and medical service follow up given to the offended.

It develops preventive actions as training and dissemination; during this year it has been carried out 156 promotion activities with the participation of eight thousand 518 persons, from which 3 thousand 140 were public servers.

In 2013 there have been 15 thousand 675 dissemination materials distributed on Human Rights of people with VIH, in particular their sexual and reproductive rights ; as well as to combat prejudice as homophobia and chauvinism.

Also the right to integral assistance, including relationship with the comorbidities (tuberculosis, diabetes and hepatitis B and C) and his/her medical care, among other topics.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_345.pdf

RECOMMENDATION 56/2013

MATTER: Excessive force use and humiliating treatment in detriment of V1, V2, V3 and V4, and deprivation of life of V1, in the State of Puebla

RESPONSIBLE AUTHORITIES: National Safety Commissioner, Constitutional Governor of the State of Puebla

November 2nd, 2013

The National Human Rights Commission began complaint file CNDH/1/2011/3223/Q, because on March 16th, 2011, personnel of the "Communications Center Puebla", of the Federal Police received phone call from P1, who denounced the robbery of his/her vehicle, so AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9, AR10, AR11, AR12 and AR13, implemented a raid to find the aforementioned tractor-trailer, which was found in the parking lot of the Cuauhtemoc Stadium, public servers arrested V1, V2 and V3 and took them to the Federal Police facilities in Puebla, where they were interrogated.

They transferred them in an official vehicle to the healthcare services of the Secretariat of Public Safety of Puebla; where they were submitted to the prosecuting authority Specialized in Robbery of Vehicles and Transport assault of the Attorney General's Office of the State of Puebla, where Prior Enquiry no.1 was opened.

Subsequently, the agent of the Public Ministry, who continued with the research, required support of elements; V1, V2, V3 and V4 who were taken to the Directorate of Expert Services of the Attorney General's Office of the State of Puebla. During transfer, V1 fainted, so public servers required an ambulance, but at noting that ambulance didn't arrive, decided to take V1 to the emergency room of the Mexican Red Cross, where finally he died; by determining cause of death: hemorrhagic hypovolemic shock side effects to deep abdominal concussion with bursting of liver.

Afterwards V2 declared that they were beaten by elements of that corporation seeking they plead guilty by the robbery of the tractor-trailer.

In consequence, on March 16th, 2011, derived of the ex officio issued by the general prosecutor of Justice of the State of Puebla, the Human Rights Commission of that federative entity began the corresponding complaint.

As for the National Human Rights Commission began ex officio the aforementioned complaint file; later on May 2nd, 2011, the State Commission, sent its complaint file to this national Organism, requiring reports to responsible authorities.

Now, from evidences' legal analysis of the aforementioned file and its accumulated, this national Organ-

ism observed that public servants with their individual actions infringed human rights to dignified treatment, to integrity and personal safety, to legality and legal certainty of V2, V3 and V4, by omission to accomplish efficiently and utmost diligence the entrusted service, as well as to refrain from making any act or omission, giving rise to the deficiency of the service or to unaccomplished any legal provision involved with the public service.

On these bases Recommendation 56/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_056.pdf

RECOMMENDATIONS

RECOMMENDATION 57/2013

MATTER: Life deprivation of V1, and inappropriate law enforcement and humiliating treatment, in detriment to V1, V2, V3 and V4

AUTORIDADES RESPONSABLES: Secretary of National Defense, Constitutional Governor of the State of Nuevo Leon

November 21st, 2013

The National Human Rights Commission opened complaint file CNDH/1/2011/3479/Q, because on April 24th, a group of armed people broke into the Toll Zone no. 3, "Puente Internacional Camargo", in the State of Tamaulipas, where V1 used to be the administrator, attached to the Regional delegation V11, Northwest Zone, of CAPUFE, which was arrested; later on April 26th, 2010, SEDENA elements, got into the ranch so called "El Puerto", located at General Bravo municipality, in the State of Nuevo

Leon, aiming to liberate various persons deprived of their liberty; thus, this action provoked confrontation with organized crime members, where three persons died, V1 among them, whose bodies were placed at the common grave. Besides, that in the foregoing raid seven persons were rescued, 4 were arrested and V1's van was kept. Subsequently V2, V3 and V4, father, mother, and sister of V1, at not receiving news, conducted their own research, visiting the Office of the Federal Web to Citizenship Service of the Presidency of the Republic, through which they got information in regard to members of the SEDENA that kept a vehicle similar as the one owned by V1. By the aforementioned, it became known that, one of the three dead people was V1, whose body was placed to the common grave by the Attorney General's Office of the State of

Nuevo Leon. Consequently, on April 1st, 2011, V2 submitted writ of complaint before this CNDH; so the cited file was opened, and records were required to the responsible authorities. Finally, from legal analysis conducted to evidences of the case, were found transgressions to rights to life, integrity and personal safety, honor, by public servants of SEDENA; as well as to rights to lawfulness, legal certainty, and dignified treatment, attributable to public servants of the cited federal agency, as the Attorney General's Office of Nuevo Leon. On these bases Recommendation 57/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_057.pdf

RECOMMENDATION 58/2013

MATTER: Excessive force use in detriment of V1, V2 and V3, and deprivation of life of V2, in Celaya, Guanajuato.

RESPONSIBLE AUTHORITY: National Safety Commissioner

November 27th, 2013

The National Human Rights Commission opened complaint filed CNDH/1/2013/1162/Q, according to the manifested by V1, youngster aged 17, on November 28th, 2012, walking back to her home, in street "La Via", at the Santa Teresa neighborhood, in Celaya, Guanajuato, accompanied by V2 and V3, her two sons aged 1 and 3; the first one was in front of her inside a toy car in front of her and second, was walking beside her left side, when she noticed that at railroad tracks there was a railway

stopped, as well as several persons that were taking merchandise from thereof; at same time, she listened shots and observed that AR1, element attached to the Federal Protection Service taking up holding a fire gun, pistol type, in her right hand; realizing in that very moment that her right leg was bleeding, so she asked for help to T1, who at approaching to her noticed that V2 was also wounded in the head by bullet's impact. Consequently, AR1, left the scene aboard an unofficial vehicle, driving her to the Public Safety Facilities of Celaya, Guanajuato, where was located by public servants submitting her to the local ministerial authority. Simultaneously, V1 and V2 were taken to a private hospital, however, V2 lost his/her life. Consequently, on December 3rd, 2012, V1 and her husband Q1, submitted a

complaint writ before the Office of the Human Rights Procurator of the state of Guanajuato, which was turned to this national Organism; in consequence, there were required reports to the corresponding authorities. At case evidence assessment, the CNDH found that there was no justified cause for AR1 conduct, whenever the use of fire guns against victims wasn't by self-defense or of other persons, or because the cited public servant was in an immediate threat of death or serious injury, consequently rights were infringe to life, integrity and personal safety, lawfulness and legal certainty of V1, V2 and V3. On these bases Recommendation 58/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_058.pdf

RECOMMENDATION 59/2013

MATTER: Rights infringement to personal integrity, sexual freedom, education, healthy development, dignified treatment and legal certainty in detriment to underage V1 and V2 at middle school 1 in Mexico City.

RESPONSIBLE AUTHORITY: Secretary of Public Education

November 27th, 2013

The National Human Rights Commission began complaint file CNDH/2/2013/1974/Q, because on February 18th, 2013, Q1's complaint writ was received at this national Organism, in which he noted about facts in violation in detriment of his/her daughter V1, aged 12, who was student at class 1D in the middle school 1, located in Iztapalapa, Mexico City. Q1 expressed that his/her daughter told him/her that

ARI, math professor, touched his penis over his clothes while was checking her notebook. Also, V1 gave to AR3, supervisor of school zone 4, a writ notifying the referred situation, besides she pointed out have seen how ARI was watching the V2's backside, her classmate. Subsequently, ARI interrogated V1 and V2 in relation to the report given to the zone inspector, to which V1 refuse to answer. On March 11th, 2013, in this CNDH began complaint file CNDH/2/2013/1658/Q. Later on, on February 20th, 2013, Q2 and Q3 mother and uncle of V2, submitted a writ complaint at the Human Rights Commission of Mexico City, in which pointed out that from November 2012, ARI has sexually harassed V2, forcing her to bend over to pick up the trash all over the classroom, asking her to take off her sweater, arguing that in that way "she looked prettier". Besides that ARI watched porno movies while school lessons,

inclusive he showed them to male students. Due to the foregoing facts, on February 20th, 2013, personnel from the Human Rights Commission of Mexico City, sent to this national Organism the cited writ complaint, thus the aforementioned complaint file was opened, and by observing in its contents related facts with file CNDH/2/2013/1658/Q, the latter was accumulated with the second one. Now, from legal analysis carried out to the file evidences, and its accumulated, this national Organism observed that public servants violated the rights to personal integrity, legal certainty of V1 and V2, thus Recommendation 159/2013 was issued, in which was required proceed with caused damages repair, including medical care and psychological pursuant to law, as well as, psychological care to V1 and V2 relatives.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_059.pdf

RECOMENDATION 60/2013

MATTER: Inappropriate medical care to V1 and V2, and life loss of V2, at the General Hospital of Mexico "Eduardo Liceaga", attached to the Secretariat of Health

RESPONSIBLE AUTHORITY: Secretary of Health

November 27th, 2013

The National Human Rights Commission began complaint file CNDH/1/2012/5479/Q, because on January 13th, 2012, V1, woman aged 26, 17 weeks of pregnancy, for her first prenatal visit went to the General Hospital of Mexico "Eduardo Liceaga", attached to the Secretariat of Health in Mexico City; likewise, victim presented herself to her medical appointment, where was diagnosed with

clinical profile cervico-vaginal infection, Polycystic ovary syndrome coupled with the background that have received infertility treatment. Later on, Q1 (V1's husband), noted that around 20:00 hrs. on May 23rd, 2012, V1 presented contractions with bleeding, in consequence they went to the General Hospital of Mexico, where on-duty doctors refused to admit her arguing she hadn't dilated sufficient centimeters to initiate labor and to leave home. Next day, whenever V1 continued with contractions, she presented herself to the Gynecological Service of the above mentioned hospital, medical personnel who assisted her responded to come back later. On May 24th, 2012, V1 presented "belly pain and aches", so in company with Q1, come back to the aforementioned General Hospital of Mexico, waiting

to be assisted for 30 minutes. Once admitted, medical personnel, who assessed her, indicated that heartbeats of her product V2 couldn't be detected, so an ultrasound was performed to her, confirming V2 life loss. Consequently, on May 29th, 2012, Q1 submitted writ complaint before this national Organism, which after legal analysis carried out to cited file were found human rights infringements to health protection in detriment to V1 and V2, as well as to life of V2, attributable to medical personnel of the General Hospital of Mexico "Eduardo Liceaga", attached to the Secretariat of Health. On these bases Recommendation 60/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_060.pdf

RECOMMENDATIONS

RECOMENDATION 61/2013

MATTER: V1's Impugnation Appeal

RESPONSIBLE AUTHORITY: Constitutional Governor of the State of Guerrero

November 28th, 2013

The National Human Rights Commission began complaint file relative to impugnation appeal CNDH/4/2012/395/RI, because on June 26th, 2012, V1 submitted complaint before the Commission for Human Rights Defense of the State of Guerrero, against AR1, AR2, AR3, AR4 and AR5, Secretary of Education of that federative entity and other public servants, by reason of opening the Administrative Procedure 1 against them, which was solved on January 25th, 2011, where it was determined administrative responsibility and sanction, in other words, secondment shift. Discontented, sued by labour way to the Secretariat, before the Court of Conciliation and Arbitration of that federative entity.

Labour authority ordered to the Secretariat of Education, to leave without effects responsibility report and to relocate V1, in consequence on October 5th, 2011, the actuary, was presented at the Scholar Supervision to fulfill the resolution, nevertheless, V1 hadn't been returned of her functions; so the Commission for Human Rights Defense of the aforementioned federative entity, began complaint file CODDEHUM-VG/196/2012-I, by facts consistent in discrimination and actions or omissions opposite to the right to work in

detriment of V1.

Previous investigation of case, the State Commission found human rights violations to equality and to work of V1; as result the Recommendation 102/2012 was addressed to AR1, Secretariat of Education of Guerrero.

Responsible authority didn't conduct any declaration in respect to the acceptance of the recommendatory document, in consequence on November 28th, 2012, V1 submitted Impugnation Appeal against non-acceptance of the Recommendation 102/2012, thereof being attended in this national Organism, in aforementioned file, which later on was dismissed on February 2013, by acceptance of the cited pronouncement, was required to AR6, a report and evidences on recommendatory instrument fulfillment.

On May 31st, 2013, V1 submitted a writ before the local Commission, through which lodged impugnation appeal against the breach of the Recommendation 102/2012, by the State Secretariat of Education. Cited suspension of employment ended on May 2013, in consequence on August 6th, 2013, once again it was required AR2 and AR3, Undersecretary of Basic Education and Kindergarten, to attend the recommended by the local organism.

In this sense, there has not been fulfillment to Recommendation 102/2012, in the acceptance terms by the Secretariat of Ed-

ucation of the State of Guerrero.

Finally, from legal analysis conducted to aforementioned impugnation appeal evidences, it is estimated that cited V1's appeal is applicable and justified and, consequently, it is observed that the Secretariat of Education of Guerrero, non-accomplished the point of Recommendation 102/2012, so this national Organism issued Recommendation 61/2013.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_061.pdf

RECOMMENDATION 62/2013

MATTER: Inefficient service supply in Public Safety matter in detriment of the indigenous community nahua of Xayakalan, Aquila Municipality, in Michoacan de Ocampo and of inappropriate administration of justice in detriment of V1, V2, V3, V4 and V5

RESPONSIBLE AUTHORITIES:

Constitutional Governor of the State of Michoacan de Ocampo
Members of the City Council of Aquila, Michoacan de Ocampo

November 28th, 2013

The National Human Rights Commission began complaint file CNDH/4/2011/10250/Q accumulated, because on October 7th, 10th and 17th, 2011, Q1's complaints were received, a civil organization, as well as of Q2 and Q3, neighbors of the Santa Maria Ostula community, highlighting that on the 6th of same month and year, at the town of Xayakalan, Santa Maria Ostula, municipality of Aquila, Michoacan de Ocampo, V1, commune inhabitant and member of the Commission for Defense of Commune of Santa Maria Ostula, lost his life being after being attacked at his home with a fire gun.

The aforementioned event initiated by the existing agrarian conflict between

commune inhabitants of Santa Maria Ostula, with the small properties owners of town so-called "La Placita", both belonging to Aquila municipality.

In order to solve it, on March 5th, 2004, several property owners of "La Placita", presented appeal before the Unitary Agrarian Court of District 38, against the General Assembly of Commune Inhabitants.

As consequence of this agrarian conflict, V2 and V3 were missed on February 23th, 2010, at being deprived of their liberty by a armed command; under same circumstances, V4, then president of the Commissioner of Communal Lands of Santa Maria Ostula, disappeared.

In this respect, this National Commission lodged complaint CNDH/4/2011/8922/Q, which it was investigated and was required to the involved authorities a report.

On December 7th, 2011, Q4's complaint was received where he pointed out that on December 6th, 2011, the observation caravan at Ostula, was intercepted by a "paramilitary" group, with assault weapons, threatening its members and depriving of his/her liberty to V5, who was found dead, on December 7th, 2011.

In relation with last events, the first aforementioned file was opened.

On April 30th, 2012, by considering file CNDH/4/2011/8922/Q matter facts, that were related with the one being investigated in the diverse CNDH/4/2011/10250/Q, it was determined to accumulate the latter with the foregoing first one.

On these bases Recommendation 62/2013 was issued, aiming to take immediate measures, to achieve effective restoring of human right to inhabitants public safety of Aquila municipality, in order to preserve public order at the community; constitute the basis for the goal to a lasting harmonious social coexistence, to ensure non recurrence of events like the one here analyzed and to issue to this national Organization, evidence accrediting its fulfillment.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_062.pdf

RECOMMENDATIONS

RECOMMENDATION 63/2013

MATTER: Inappropriate justice administration in detriment to Q1 and V1, alleged crime victim of human trafficking

RESPONSIBLE AUTHORITIES:

Constitutional Governor of the State of Tamaulipas
Constitutional Governor of the State of Guerrero

November 28th, 2013

The National Human Rights Commission began complaint file CNDH/5/2011/5717/Q, because on June 14th, 2011, Q1's writ of complaint file was received in this National Commission, in which points out that on August 30th, 2008, her son V1, aged 14, was on vacations with T1 in the city of Reynosa Tamaulipas and, in that day early morning, received a phone call from T1, who informed that V1 went out from home without coming back.

On August 14th, 2008, T1 went to submit an denounce before AR1, Prosecutor agent of the Public Ministry of the Third Agency of Reynosa Tamaulipas, which initiated preliminary inquiry AC1. On September 1st, 2008, Q1 came before the ministerial authority in order to denounce thereof facts, occasion in which AR1 indicated that what happened with V1 was only a tantrum and that he will be back home, so that with the initiated report was enough.

Likewise, Q1 referred that on the month of August, 2010, after data and pictures of V1 were disseminated with the support of a civil association, received a phone call of a male person, who pointed out that they had seen V1 at the red

zone in Acapulco, Guerrero, at it seems to be victim of sexual exploitation. At knowing this information, Q1 went to Acapulco Guerrero, place where a stranger confirmed the aforementioned information about V1 whereabouts, however, she decided not to rescue him, fearing he was moved to other place.

Such that on August 17th, 2010, Q1 went to ask for support to the civil association ONG1, which contacted her with the Technical Secretariat of the Inter-Ministerial Commission to Prevent and Sanction Human Trafficking of the Secretariat of the Interior. On March 4th, 2011, the cited Inter-Ministerial Commission noticed to Special Prosecutor's Office on Violent Crime against Women and Human Trafficking of the PGR, V1's alleged sexual exploitation, organism that after carrying out respective investigations to locate V1, at the administrative file EA1, reported to Q1 that on April 17th, 2011, in the Attorney General of Justice of the State of Guerrero, had begun prior enquiry AP1, by homicide of a persons whose facial features looked like of V1. Finally, on June 14th, 2011, Q1 required this national Organism's intervention, whenever the Attorney General of Justice of the State of Tamaulipas hadn't carried out necessary investigations to recovery of V1; additionally, it was required being supported and accompanied to related proceedings of body identification that seems to be of V1, as he/ she feared that AR3, agent of the Prosecutor Public Ministry of the common jurisdiction of Guerrero, would not assist her as happened last time.

With motive of denounced facts, on June 14th, 2011 it was initiated the above mentioned complaint file; and, in order to document human rights violations, a report was required to the Attorney General's Office of the Republic, to the National Safety Commission and to the attorney general's offices of the State of Tamaulipas, sending partially reports. Now, from the legal analysis of the complaint file evidence, this national Organism observed human rights violations to lawfulness, to legal certainty, to dignified treatment, to due justice administration, and right to the truth, in detriment to the boy V1 and his mother Q1, as crime victims, by infringement facts consistent on inappropriate justice administration and omissions infringing crime victims' rights.

On these bases Recommendation 63/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_063.pdf

RECOMMENDATION 64/2013

MATTER: Illegal search at home 1, victim's custody without authorities authorization, intimidation and property withdrawal in detriment to V1, v2 and their sons, children V3, V4 and V5 in San Martín Texmelucan, Puebla

RESPONSIBLE AUTHORITIES:

National Safety Commissioner of the Secretariat of Interior

November 28th, 2013

The National Human Rights Commission began complaint file CNDH/2/2013/6088/Q, because on August 22nd, 2013, a national journal published news in which pointed out that a family from San Martín Texmelucan, Puebla, denounced before the agent of the

Public Prosecutor's Office, that on August 20th, same year, at 21:40 hours approximately, nearly 8 Federal Police elements conducted a raid and showing up at victims' home, whom forcibly entered, besides threatening the family with assault weapons and carrying out illegal search; when the elements left the crime scene, the denounced person was submitted by robbery of safe-deposit box, cash, jewels, laptops and other values.

Therefore, report was required to the National Safety Commission of the Secretariat of Interior and with collaboration with the Attorney General's Office of the Republic, to the Attorney General of Justice of the State of Puebla and to the City Council of San Martín Texmelucan, Puebla.

Finally from the legal analysis carried out, there were found human rights violations, so the property material damage repair is required to V1, V2, V3, V4 and V5, as result of institutional responsibility incurred by public servants. On these bases, Recommendation 64/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_064.pdf

RECOMMENDATION 65/2013

MATTER: Human rights violations to personal integrity, sexual freedom, education, healthy development, dignified treatment and legal certainty in detriment to female students of the telesecundaria 1, at el Saladillo community, in Panfilo Natera municipality, in the State of Zacatecas.

RESPONSIBLE AUTHORITIES:

Constitutional Governor of the State of Zacatecas

November 28th, 2013

The National Human Rights Commission began complaint file CNDH/2/2013/7330/Q, because on October 18th, 2013 was known, by the media that family mothers extreme their disagreement because AR1, teacher of the telesecundaria 1, y AR2 intendance employee of

same educational center, conducted search in students' underwear in order to find out who was responsible of pasting a sanitary towel in the bathroom of cited school. With motive of violating facts, that same day the Human Rights Commission of the State of Zacatecas began ex officio complaint file 1.

Due to importance and special seriousness of facts, on October 23th, 2013, this CNDH required the Human Rights Commission of the State of Zacatecas to bring complaint file 1, so in this national Organism was opened corresponding file, and aiming to document human rights violation, assistant visitors and experts carried out several field works to gather testimonies and documents. Besides, reports were required to the Attorney General of Justice in the

State of Zacatecas. Now, from the legal analysis conducted to the aforementioned complaint file evidences, this national Organism observed human rights violations to personal integrity, sexual liberty, education, healthy development, dignified treatment and legal certainty in detriment from V1 to V50, female students of the telesecundaria 1, by facts consistent in humiliating treatment, done to cited underage, attributable to personnel of the Secretariat of Education and Culture of the State of Zacatecas. On these bases Recommendation 65/2013.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_065.pdf

RECOMMENDATIONS

RECOMMENDATION 66/2013

MATTER: Rights infringement to personal integrity, sexual liberty, education, healthy development, dignified treatment and legal certainty in detriment of V1, female student of the Attention Center 1

RESPONSIBLE AUTHORITY:
Secretary of Public Education

November 29th, 2013

The National Human Rights Commission began complaint file CNDH/2/2013/2381/Q, because from the month of September 2012, Q1 observed that his daughter V1, girl with Down syndrome, showed several behavior alterations, being difficult to know the motive of those changes, nevertheless Q1 noticed that this was because her daughter had been sexually abused by AR1, V1's computer science professor at the attention center 1.

Therefore, on January, 2013, Q1 submitted at the Attorney General of Justice of Mexico City a denounced against AR1 by sexual abuse, opening prior inquiry 1, which, by competency reasons, was issued to the Attorney General's Office of the Republic on January 25th, 2013. By agreement, on February, 2013, the agent of the federal Public Prosecutor's Office of the PGR received prior enquiry 1 and was opened prior enquiry, which at development of this recommendation is being integrated.

Furthermore, on March 26th, 2013, Q1 submitted complaint at the internal audit body of the Office of the Controller in the Federal Administration of Education Service Supply in Mexico City, of the Secretariat of Public Education, in which referred to facts of sexual abuse, that AR1 had committed against her daughter V1, so foregoing the Internal Body began administrative file 1, which is being integrating.

Now, from legal analysis carried out to the cited complaint file evidences, this national Organism observed human rights violations to sexual liberty, personal integrity, dignified treatment, education, development and legal certainty in detriment to the girl V1, by facts consistent in infringing her sexual liberty, to deprived a girl of continues care, omit custody, monitoring, protection, to establish security measures to persons and to inappropriate education service supply, attributable to personnel of the Secretariat of Public Education.

On these bases Recommendation 66/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_066.pdf

RECOMMENDATION 67/2013

MATTER: Inappropriate justice administration in detriment to V1, nahua indigenous people from loma colorada community, at the Municipality of Cuautitlan de Garcia Barragan, Jalisco, and her partner V2

RESPONSIBLE AUTHORITY:

Constitutional Governor of the State of Jalisco

November 29th, 2013

The National Human Rights Commission began complaint file CNDH/4/2012/9767/Q, because on October 23rd, 2012, V1 was deprived of his liberty, after an armed group broke into his home, at the Loma Colorada community, municipality of Cuautitlan de Garcia Barragan, Jalisco, while he was being accompanied with her partner, V2. Therefore, on October 25th, 2012, Q1, submitted a writ of complaint at the Regional Office in Autlan de Navarro, Jalisco, of the State Human Rights Commission of that federative entity, in consequence, Investigation record 34/2012 was opened.

On the 25th, same month and year, Q1 submitted complaint by telephone, before this national Organization, that filed for reorganization process within above mentioned file and, on November 5th, 2012, it was determined to exercise its authority, regarding the

cited Investigation File according to article 14 on the rules of procedures, due to its nature the matter went beyond national interest.

For investigation of the facts, AR1, agent of the Public Ministry of the common jurisdiction, in Cuautitlan de Garcia Barragan, of the then Attorney General of justice of the State of Jalisco, lodged a prior enquiry 1, by victim's custody without authorities authorization in detriment of V1, against to whom result responsible.

Later on, on January 9th, 2013, AR1 submitted evidences integrating prior enquiry 1, to AR2, agent of the Public Ministry of the Common Jurisdiction VII, a Specialized in High Impact Crimes, of the Attorney General's Office of the State of Jalisco, en Tlajomulco de Zúñiga, to effect to continue with integration of the research, the foregoing is in attention to received instructions by part of the Regional Delegates Coordinator of the then Attorney General of Justice of the State of Jalisco. Actually, whereabouts of V1 is unknown, it hasn't been possible to get the real story of the facts, neither responsible have been identified, even though time spent, consequently the efficient justice administration hasn't been provided to the victims. It is noted that up to date, development of Recommen-

dation hasn't been given any evidences to accredit prior enquiry opening or any procedure against public servants in charge to cited investigation files integration.

Now, from legal analysis conducted to aforementioned complaint file evidences, this national Organization confirms that in the Government of the State of Jalisco, through the Attorney General of Justice, infringed human rights to lawfulness and legal certainty, as well as to appropriate justice administration and right to the truth, in detriment to V1 and V2, crime victim and offended, incurring into the delay to the integration of the Prior Enquiry 1, behaviors aggravated by reason of that V1 is a nahua indigenous person, he is a defender of natural resources, who openly manifests his disagreement with logging activities and mines causing environmental deterioration, besides of being member of the Council of Elder of the Ayotitlan community. On these bases Recommendation 67/2013 was issue.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_067.pdf

RECOMMENDATIONS

RECOMMENDATION 68/2013

MATTER: Illegal search, arbitrary detention, victim's custody without authorities' authorization and torture of V1 and V2 in Xalapa, Veracruz

RESPONSIBLE AUTHORITIES: Secretariat of Navy

November 29th, 2013

The National Human Rights Commission began complaint file CNDH/2/2012/261/Q accumulated, because on December 2011, writ of complaint submitted by Q1 mother of V1, was received in the State Human Rights Commission of Veracruz, who manifested that on the 6th same month and year, early morning, received her daughter (V1), aged 27, phone call informing her that several armed men broke into her home in Xalapa, Veracruz.

Besides, she stated that V1's neighbors told her that members of the Secretariat of Navy arrived in black vans, all wearing black clothes and ski masks, who took her daughter together with 3 male persons all covered from the head. Therefore, Q1 went to the Attorney General's Office of the Republic in Xalapa, Veracruz, subsequently the Fourth Agency of the Public Ministry, where she was told that there wasn't any report regarding detained people.

Afterwards she went to the Federal Investigation Agency where she didn't get any information about V1. Finally, she approached Military Barracks, where they informed her that it wasn't possible to help her locate V1.

Due to the foregoing, and by competency reason, on January 10th, 2012, this National Commission opened the aforementioned complaint file.

Furthermore on December 15th, 2011, Q2, legal representative of V1 and V2, submitted a writ of complaint in this National Commission, stating that V2 was in bad health conditions, so complaint file CNDH/2/2012/529/Q was opened and, due to denounced events are closely related among complaint files, on August 21st, 2012 it was agreed to accumulate it to complaint file CNDH/2/2012/261/Q.

With motive of the above mentioned, aiming to document human rights violations, assistant visitors and experts from the National Commission carried out several field works to gather information, testimonies, pictures and other documentaries.

Additionally, a report was required to the Secretariat of Navy, and to the Attorney General's Office of the Republic and to the First District Court of the State of Veracruz.

Now, from legal analysis carried out to cited complaint file evidences, this national Organism observed human rights violations to V1 and V2 committed by AR1, Third master of the General Navy Infantry Corps of the Secretariat of Navy, AR2, corporal of the General Navy Infantry Corps of the Secretariat of Navy and other members of the referred Secretariat that had participated at

the offended detention, relative to the inviolability of the home, lawfulness and legal certain, liberty, integrity and personal safety and to dignified treatment, by facts consistent in illegal search, arbitrary detention, victim's custody without authorities authorization and torture; besides, there were found violations to sexual liberty of V1, by facts consistent in torture and sexual violence.

On these bases Recommendation 68/2013 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_068.pdf

ARTICLE OF THE MONTH

The fiscal reform and human rights

By Alejandro Villagomez

Thursday, November 21st, 2013

During recent discussion on fiscal reform proposal presented by the Executive and modified and approved by the Congress, we were witnesses of all types of analysis and commentaries, either in favor or against it. However, as I remember, the issue of human rights to economic and social has been barely mentioned. It might be possible to be a strange topic for many, but I think it's worthy to reflect about it and leave evidence in this respect. Particularly it is important to remember that on June 2011, in our country it was carried out an important constitutional reform in human rights matter, which in a way ratified the legal framework in Mexico with the existing at the international law and in several international settlements and agreements, in which our country is part of. I'm referring to the known as economic, social and cultural rights (Spanish acronym-DESC) or "second generation" human rights, being part of the Universal Declaration of the Human Rights (1948), are established clearly at the International Agreement of Economic, Social and Cultural rights (1966) and regionally at the Protocol of San Salvador (1998). For example, this fiscal policy had to be designed not only to avoid to decrease the social expenditure within these DESC (non regressive nature) but it must increase focusing at

social programs directed to cover these rights (progressiveness, universality and satisfaction to minimum levels) and to take maximum care possible (maximum available resources usage). The tax policy should look for to obtain major possible amount of resources without violating the aforementioned principles. Finally, should be ensured transparency and accountability. However Mexico has signed the majority of these international treaties, the constitutional reform of 2011 adds a new perspective to this topic by modification the way to explain and apply these rights in the country. Now, the Constitution recognizes these human rights (it doesn't referre anymore about individual guarantees) and recognizes the existing guarantee mechanisms not only within our Constitution, but also at the existing international agreements that we have signed. The interpretation of the relative norms on these rights will be based on the Constitution and to the international law in the matter. Highlighting that with the reform, when a diverse explanation exists should be chosen the one to protect more the individual, ie, the so called principle "pro-personae". In addition, at first article at our Constitution is established the States responsibility to promote, respect, protect and ensure human rights. This applies to all government levels. This means, all recognize human rights by the Constitution and other international agreements generates responsibilities to Mexican authorities, independently of government level or order. In these senses, the CNDH can issue recom-

mendations to government agencies or official concerning characteristics and orientation of the public policies implemented based on the DESC. Finally, our fiscal policy (as other actions and public policies) will be subjected intensely to international scrutiny of international bodies and other entities giving a follow up to the human rights topic and, in particular, those of DESC. I think that with what has been written up to here, now the reader must be clear enough about what I'm talking . This constitutional reform adds new perspective and dimension on fiscal policy and of any reform on the matter, therefore calls my attention that this topic hadn't been discussed at the recent (intense) debate in our country. Surely some entities, as FUNDAR, already have their analysis, but it's clear that there is no existing debate culture on this matter in the country. The analysis of the recent fiscal reform from a more technical perspective (not political and ideological as the one carried out last weeks' debate) is still being in process and surely will not fare well, but it seems that the DESC topic is pendant in the agenda and it would be interesting to know authorities' opinion on how is planning to make compatible these DESC's promotion with the need to maintain long term fiscal viability.

<http://www.elmundodecordoba.com/opinion/columnas/2654167-CPAP2N2>

BOOK OF THE MONTH

Reforms to Human Rights, Collective Processes and of Injunction

By: Héctor Fix Zamudio
 Editorial: Porrúa/UNAM
 Publication year: 2013
 ISBN: 607-09-1256-6
 Edition: 1
 Pages: 211

Injunction and human rights reforms raised on almost parallel legislative processes, one was published on June 6th, 2011 and the other on the 10th, same month and year, meanwhile the one of collective processes was taken out on July 29th, 2010.

In general, it can be confirmed that aforesaid constitutional amendments are inspired by an advanced conception and involved the constitutional paradigm, due to the growth of human rights horizon, en-

forcing jurisdictional guarantees and strengthen rule law.

This book studies this new normative law favoring liberty and better justice, starting from topics analysis regarding the recent paradigm, like: conceptual distinction between human rights and guarantees; constitutional and international norms on human rights at same level; clause of interpretation just as; complementary modifications, as exception State and Constitutional order, the new restriction and suspension rights and guarantees system; reforms on injunction and collective rights; General declaration on injunction and control systems; constitutional courts development and, among others, unconstitutionality general declaration in Mexican legislation.



<https://www.porrua.mx/pagina-interior.php?id=826409>



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