



Comisión Nacional de los  
Derechos Humanos  
MÉXICO

# Newsletter

NEW ERA, N.º. 234

AUGUST, 2012

## The voice of the President

**Remarks by Dr. Raúl Plascencia Villanueva, President of the National Human Rights Commission, at the Human Rights Forum "World Borders and Human Rights", seminar commemorating 30th anniversary of El Colegio de la Frontera Norte**

Tijuana, Baja California,  
August 23<sup>th</sup>, 2012.

Dear experts, scholars and defenders of migrants' human rights:

It is a great pleasure for the CNDH to share with you within the framework of 30th anniversary of "El Colegio de la Frontera Norte", research center that contributes to the generation



of scientific knowledge on regional phenomena of the border between México and the United States, and which promotes the development of high-level human resources, as well as fundamental studies and reports to develop diagnostics that any effective policy in migratory matters needs if it wants to achieve a more effective implementation of the management of migration.

In these three decades of intense activity in favor of scientific knowledge on the regional phenomena along

the border between México and the United States of America, during which we have had teachers like Dr. Jorge A. Bustamante, Dr. Jorge Santibáñez, Dr. Rodolfo Cruz, and now our renowned host, who has just been ratified to chair El Colegio de la Frontera Norte for another period, Dr. Tonatiúh Guillén López, we have achieved progress and have reached important goals, whose attainment was possible thanks to their hard work and dedication. To all of them and the pioneers, as Jorge Carrillo, Alberto Hernández, Eliseo Mendoza Berrueto, among others, I express my extensive and sincere gratitude for the talent and commitment demonstrated in their work in favor of knowledge.

<http://www.cndh.org.mx/Discursos>

## Event of the month

**CNDH signed a Collaboration Agreement with the Georgia Latino Alliance Organization for Human Rights (GLAHR), for the protection and dissemination of human rights of migrants in the U.S.**



### EQUITY IN DOMESTIC ACTIVITIES

**CGCP/198/12**

August 1<sup>st</sup>, 2012

The National Human Rights Commission recognizes the importance of women in the Mexican society as pillar of many of the institutions of our country.

It is therefore a priority to strengthen their presence in the various fields in which they participate, either as partner, mother or worker among others, in order not to limit their

personal and professional development.

In domestic activities, which are not proper or exclusive to the feminine gender; both men and women should contribute to achieve a more balanced work distribution and give opportunity to integral development of each family member.

The CNDH, through the *National Campaign to Promote Equality among Women and Men at Home, Shared Family*

*Responsibilities "It is Better with us All"*, promotes egalitarian relationships between family members, highlighting that the participation of each of them is important.

The CNDH reiterates its commitment to work for both women and men in order for them to exercise their rights alike and to consolidate a culture of justice, free of gender-based violence and discrimination.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_198.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_198.pdf)

### ACTIONS TO PROTECT INDIGENOUS CHILDREN

**CGCP/199/12**

August 2<sup>nd</sup>, 2012

The CNDH believes that the vulnerability in which the indigenous children are demands concrete actions to protect their rights and change their social reality.

The proposals and work to improve the protection of their rights must come from all sectors of society, in the academic, institutional and civil society organizations, as well as the media and business sector.

According to reports from

the United Nations Children's Fund (UNICEF), the indigenous children of our country represent the group of people with the greatest needs and with the lowest degree of fulfillment of their human rights. An estimated 48.7 percent of children working as agricultural laborers speak an indigenous language.

From January 2011 to June 2012, the national autonomous Organism has visited 156 indigenous communities in the country, where 575 promotion and dissemination activities were de-

veloped, including lectures, courses and training workshops, in which indigenous children's rights have been addressed among other subjects; more than 7,500 children and young people have attended these activities.

Improving the economic and social conditions of indigenous children is not only the responsibility of the State, but a commitment of society as a whole.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_199.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_199.pdf)



### RECOMMENDATION ADDRESSED TO THE ISSSTE ON THE MISHANDLING OF A CLINICAL FILE

**CGCP/200/12**

August 3<sup>rd</sup>, 2012

The CNDH issued Recommendation 32/2012 addressed to the ISSSTE on the improper handling of medical records in General Hospital "B" of the Institute in Pachuca, Hidalgo, related to the case of an elder woman who, according to a complaint filed by her relatives, was not properly examined during her admission.

The complaint was filed to the Human Rights Commission of the State of Hidalgo, and was letter transferred to this National

Commission for reasons of competence.

Since that time various efforts were made to ensure that the patient receives the required attention. Finally the woman died at the hospital, indicating as causes of death metabolic acidosis, electrolyte imbalance, mixed encephalopathy and diabetes mellitus type II.

The National Commission requested the patient's medical record to the Director of the hospital, which was sent incomplete.

For the CNDH the fact that

the ISSSTE's General Hospital "B" staff, with the knowledge of the Director, has not integrated properly the victim's clinical record or that medical and evolution notes were lost implies a fault to the duty of care and diligence that all public officials should put on the work they carry out, also violating the victim's right to legal certainty and the health protection. Recommendation 32/2012 can be accessed through [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_200.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_200.pdf)

## PRECAUTIONARY MEASURES REQUESTED BECAUSE OF MINE COLLAPSE IN COAHUILA

### CGCP/201/12

August 3<sup>rd</sup>, 2012

The CNDH requested to the government of Coahuila and the Ministry of Labor, Social Prevention and Economy the application of precautionary measures to guarantee the life and preserve the rights of the workers trapped by the collapse of the coal mine 7 from the Mimosa Company, located in the municipality of Progreso, Coahuila.

This National Organism, which also initiated an ex officio file to investigate the accident, reiterated that it is essential to monitor the strict enforcement of safety regulations in all mines in the country and improve the conditions of those who work in these places.

Actions to rescue the workers will be monitored, testimonies will be collected, information will be requested to the various authorities in order to analyze

and evaluate the evidence and determine, in due time, the resulting conclusion according to the law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_201.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_201.pdf)

## THE CNDH DEMANDS A CULTURE OF LEGALITY

### CGCP/202/12

August 4<sup>th</sup>, 2012

The National Human Rights Commission deems essential to promote the culture of legality in our country.

To foster it, the National Organism has distributed nearly 500,000 copies of the pamphlet "Rights and Duties of Citizens", presenting 20 commitments, that must be assumed as members of a community

to achieve a coexistence based in civility and attached to the Constitution.

Through this pamphlet and the National Conferences for the Culture of Legality and Duties of Persons, the CNDH bolsters the will of all citizens who aspire to a better social coexistence. It shows that everyone is equal before the law regardless of ethnic origin, gender, age, social differences, health condi-

tions, religion, opinions, preferences, marital status or any other situation that attempts against the human dignity. It also raises the urgency of having the social, economic and political actors assuming the commitment to fully respect the law, because only legality guarantees a peaceful social coexistence.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_202.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_202.pdf)

## RECOGNIZING THE RIGHTS OF PERSONS WITH DISABILITIES

### CGCP/203/12

August 5<sup>th</sup>, 2012

The CNDH believes that an inclusive society is one that recognizes and respects the human rights of persons with disabilities.

Official data show that in México there are more than five million 700 thousand people with these characteristics, representing 5.1 percent of the population.

This vulnerable group should enjoy all rights, fully and in conditions of equality.

However, they often face discrimination and unemployment that prevents them from being self-sufficient.

During the first five months of this year, the National Commission attended 430 complaint files for alleged violations of fundamental rights.

This National Organism carries out various actions to facilitate

access for people with disabilities to opportunities for health, employment, education, transportation and entertainment in equal conditions.

With these actions, the CNDH reiterates its commitment to continue working to consolidate a culture of full respect for the human rights of all people.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_203.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_203.pdf)



**INCREASE ACTIONS TO PROTECT WOMEN MIGRANTS**

**CGCP/204/12**

*August 6<sup>th</sup>, 2012*

The CNDH considers necessary that authorities and society both act decisively to promote respect of human rights of migrants, especially of women crossing the national territory searching for a job opportunity, who are twice as likely for being vulnerable because of their immigration status and gender; they frequently suffer aggressions, sexual abuse, extortion, kidnapping, and other situations that endanger their physical and psychological integrity.

They are also the main target of criminal groups involved in human trafficking, recruited with deception or by force for labor or sexual exploitation.

Through the Migrant Assistance Program, the CNDH carries out visits to migrant centers to obtain testimonies, receives complaints and provides legal and psychological support to foreigners who are in those facilities waiting to resolve their legal status.

In the first half of the year 1,332 said visits were carried out to meet 41 thousand 296 migrants, of which, nine thousand 780,

that is 23.6 percent, were women.

The CNDH continues to stress the urgency of implementing public policies and legislative actions that protect the rights of migrants in their way through our country.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_204.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_204.pdf)

**INCREASE EFFORTS TO PREVENT CANCER IN WOMEN**

**CGCP/205/12**

*August 7<sup>th</sup>, 2012*

The CNDH is concerned about the increase in the number of women deaths due to cancer, so it exhorts health authorities to redouble efforts in prevention, timely attention and sensitizing about this condition.

Official data indicate that México presents 5,250

women deaths from breast cancer a year.

A survey applied online by the Program on Women Affairs and Equality between Women and Men of the CNDH, said that 61.4 percent of women surveyed believed that the public policies implemented in our country, in terms of healthcare, are insufficient to prevent and eradicate diseases such as cancer.

This National Organism reiterates that everyone has the right to health protection as required by Article 4 of our Constitution and provides to population telephones 5681-8125, toll free 01 800 715 2000 and their website [www.cndh.org.mx](http://www.cndh.org.mx) to denounce any contrary act.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_205.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_205.pdf)

**CNDH INITIATES EX OFFICIO COMPLAINTS ON CUT OF POWER SUPPLY IN CUERNAVACA**

**CGCP/206/12**

*August 8<sup>th</sup>, 2012*

The National Ombudsman, Raúl Plascencia-Villanueva, instructed to initiate ex officio complaints to investigate electric power suspension ordered by the Federal Electricity Commission (CFE) in 26 drinking water wells in the city of Cuernavaca.

Cutting the power supply caused water shortage that affected half the population of that city for several days.

To this National Organism suspension in power supply, which in turn caused the lack of water supply, is a fact that possibly violates human rights of those affected, for what it will carry out an investigation under its faculties.

The investigation performed by the CNDH is grounded in the Mexican Constitution; in the National Human Rights Commission Law, and in its Internal Rules.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_206.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_206.pdf)



## FUNDAMENTAL TO PRESERVE INDIGENOUS LANGUAGES

**CGCP/207/12**

August 9<sup>th</sup>, 2012

Having commemorated, on August 9, the International Day of Indigenous People, the CNDH considers as a fundamental right that the ethnic groups of the country preserve their native language.

This is one of the most valuable items that 15 million people who are recognized as indigenous have in order to keep alive their customs, knowledge and cultural heritage.

It is therefore necessary to inculcate in children and young members of these communities the need to preserve their native language, in addition to promoting bilingual and inclusive education at all levels of instruction.

According official figures, only 1.5 million children, whose ages range from three to 14 years, speak an indigenous language in México, which is indicative of the loss of this tradition among the younger generation.

Currently the CNDH works in publishing the pamphlets "Constitutional Article 2º", "How to make a complaint?" and "Constitutional Rights" in the Maya, Tzotzil, Tzeltal, Mazahua, Otomí, Zapoteca, Mixteca, Purépecha, Náhuatl, Huichol, Mayo, Yaqui and Tarahumara languages.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_207.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_207.pdf)

## INMATE'S DEATH AT CEFERESO No 1

**CGCP/208/12**

August 10<sup>th</sup>, 2012

The National Human Rights Commission expressed its concern about an inmate's death at the Federal Center for Social Rehabilitation No.1, Altiplano, in the State of México, on the basis that prior to this unfortunate event, the National Organism filed the respective complaint on argued aggressions against the aforementioned inmate by the security and custody personnel of that

federal penitentiary.

The death occurred even though the CNDH had called on the authorities of the Decentralized Administrative Organ on Prevention and Social Rehabilitation the implementation of precautionary measures, to ensure respect for the rights to personal integrity and safety of the inmate involved and avoid cruel, inhuman or degrading treatment as well as to provide him the necessary attention.

The fact that an event of this nature happens in a high-security federal prison forces authorities to conduct a thorough and transparent investigation. In order to gather the corresponding elements of judgment, the National Commission will perform the corresponding actions according to its faculties.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_208.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_208.pdf)

## PREVENTING GRIEVANCES TO YOUTH IN SOCIAL NETWORKS

**CGCP/209/12**

August 11<sup>th</sup>, 2012

The National Human Rights Commission considers that responsible and appropriate use of social networks should be promoted among the youth. Within the framework of *International Youth Day*, commemorated on August 12, the CNDH makes an appeal in order that the necessary measures are taken to spread the risks they face and prevent any act that may harm their health and welfare.

There are cases of children, youth and adults who shared sensitive information in social networks and subsequently became victims of trafficking, extortion, kidnapping, pornography, fraud and identity theft.

Therefore, a priority for this National Organism is to get the youth to be aware of their fundamental rights and learn to avoid risks to their physical and emotional integrity.

*The Program for Crime Victims, Províctima*, holds forums on "The vulnerability of children

and young persons against the risks involved in the use of social networks and chat".

The CNDH believes it is everybody's commitment to join efforts to achieve that Mexican youth live in a safe environment free of violence."

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_209.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_209.pdf)

**PREVENTING MISTREATMENT OF OLDER PERSONS****CGCP/210/12***August 12<sup>th</sup>, 2012*

The CNDH considers necessary to promote knowledge and full exercise of human rights of elders among society in order to abate situations of mistreatment, abuse and discrimination.

Changing this, and eradicating improper practices, customs and stereotypes that consider them unproductive dependents, requires the participation

of all. It is necessary to leverage their expertise in the construction of a fairer country.

The CNDH, through the National Campaign for the *Promotion and Dissemination of Human Rights of Older Persons*, provides training, information and guidance in case of suffering grievances at home or by a public official.

The National Commission has received 309 complaints of alleged human

rights violations, in the first five months of this year, mainly due to an improper provision of public services and healthcare, hamper or denial of social security services, supply of medicines and negligence problems.

The CNDH continues to provide elders free advice and guidance on employment discrimination, food support and domestic violence issues.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_210.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_210.pdf)

**RESPECTING RIGHTS OF PEOPLE WITH HIV/TB****CGCP/211/12***August 13<sup>th</sup>, 2012*

The National Human Rights Commission considers a priority to guarantee the right to healthcare for people living with HIV and tuberculosis, in addition to providing timely and effective medical care.

It works in coordination with public institutions and disseminates among physicians, nurses and staff of public hospitals, the regulation in the matter and human rights

of those with these health conditions in order to avoid them being stigmatized and marginalized.

Adherence to TB treatment and to antiretroviral drugs not only increases users' life quality, but also prevents the emergence of resistant strains; hence the timely supply of medicines is a fundamental right for these people, as well as healthcare quality, according to Mexican Official Standards and respective care guides.

Strict treatment monitoring is responsibility of both

the patient and the health personnel.

The CNDH considers that the control of this disease will be successful if human rights are placed in the heart of society. For more information or advice on this subject the webpage [www.cndh.org.mx](http://www.cndh.org.mx) is available.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_211.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_211.pdf)

**OUTSTANDING PARTICIPATION OF SOCIETY IN FOSTERING A HUMAN RIGHTS CULTURE****CGCP/212/12***August 14<sup>th</sup>, 2012*

The president of the CNDH, Raúl Plascencia-Villanueva, recognized the contribution of civil society to the growth of the human rights culture in México, with significant efforts that have led to the development of non-governmental specialized agencies.

By participating in the ceremony commemorating the twentieth anniversary

of the Human Rights Commission of the State of Hidalgo, the national Ombudsman noted that we live times of change and that the best route for this transformation to fruition is marked by the fulfillment of the law, strengthening the rule of law and strict protection of human rights.

It is necessary, he said, to continue promoting a culture of legality and respect for human rights, as an axis for change in our society in the direc-

tion indicated by the constitutional reform of June 2011. At this decisive moment, he said, the Jurisdictional Bodies of Protection and Advocacy have the highest responsibility to pick up the pace to make the reform materialize throughout the national territory and boost the harmonization of legislation in accordance with international instruments.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_212.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_212.pdf)

## CNDH SIGNS AGREEMENT TO PROTECT MIGRANTS

**CGCP/213/12**

August 15<sup>th</sup>, 2012

While presiding over the ceremony where the CNDH signed a Collaboration Agreement with the Georgia Latino Alliance for Human Rights (GLAHR)—an organization that aims to articulate strategies that promote the protection and dissemination of human rights of migrants in the United States—Raúl Plascencia-Villanueva, president of the

CNDH, stated that, in order to address migration in modern times, it is necessary to implement new strategies and joint efforts.

The National Ombudsman recognized the important work of Reisbaum Teodoro Maus, president of the organization GLAHR, by impugning anti-immigrant laws as was in Georgia's State case HB87, similar to Arizona's State law SB1070.

The GLAHR organization will

support the promotion carried out by the CNDH in favor of migrants and actions in case their rights are jeopardized by acts or omissions of the authorities, especially during the process of repatriation and return to our country.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_213.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_213.pdf)

## ESSENTIAL TO ENSURE INDIGENOUS PERSONS' EDUCATION

**CGCP/214/12**

August 16<sup>th</sup>, 2012

The National Human Rights Commission urges the State to implement the policies needed to ensure indigenous people, a group in vulnerable conditions, access to quality education, as stated in the Constitution.

Through the **Program for the Promotion and Dissemination of Human Rights of Indigenous Peoples and Communities**,

the CNDH visits these populations to perform actions such as lectures, conferences and workshops to raise awareness of their human rights.

According to official figures, 15.7 million indigenous people live in the country, out of which 9.7 percent of children between six and 14 years do not attend school, and the degree of illiteracy in people over 15 years is 24.3 percent.

The average schooling of indigenous groups is fourth

grade, while the population that is not indigenous achieves the second year of secondary school.

This National Organism calls upon the government and society to respect the human rights of indigenous people and to give them the necessary education regarding their culture, traditions and language from an intercultural perspective.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_214.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_214.pdf)

## ENSURING HEALTHCARE SERVICES FOR OLDER PERSONS

**CGCP/215/12**

August 17<sup>th</sup>, 2012

The National Human Rights Commission considers essential to ensure older persons the attention and dignified and respectful treatment that they are entitled to within public healthcare services.

The Law on the Rights of Older Persons is intended to facilitate their access to medical services in order to enjoy physical and mental wellness; furthermore, to be provided with guidance and training in nutri-

tion, hygiene and personal care to have a fuller life.

It is important that the treatments they receive, be of a preventive nature, curative or rehabilitation, be integral and of quality.

During the first five months of this year, the CNDH attended 309 complaints of alleged violations to their fundamental rights, therefore cooperating with authorities and society organizations on the creation of a network of support for people in vulnerable conditions, including peo-

ple older than 60 years old, who are provided with legal advice and directed to the appropriate authorities when their human rights are violated.

This service is provided by telephone at number 56 31 00 40 and toll free 01800 869 0000 or on the website [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_215.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_215.pdf)

**JOIN EFFORTS TO END VIOLENCE AGAINST WOMEN**

**CGCP/216/12**

*August 18<sup>th</sup>, 2012*

The National Human Rights Commission considers unacceptable that women continue to be victims of violence in all its manifestations, so it is necessary to join efforts, both authorities and society, to combat this scourge and promote a culture of respect for them.

Often, based on their gender, women are exposed to physical, emotional, economic, sexual or labor abuse, both in the public and private spheres.

It is important that these behaviors are reported to the competent authorities, who must provide specialized services of attention and protection to victims, legal counseling and legal certainty.

This National Organization reiterates that to contribute to the eradication of violence, it must not be hidden and these aggressions should be denounced.

Only in this way it is possible to make a change in society that guarantees that women enjoy the life free of violence they are entitled to.

Therefore, the CNDH provides to the public the phone numbers 5490-7400 and 5681-8125, extensions 1026, 1027, 1028 and 1061 and toll free 01800715 2000, where information and advice may be requested, as well as to file complaints about alleged violations to human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_216.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_216.pdf)

**CNDH CLOSELY MONITORS RESPECT TO THE RIGHT TO EDUCATION OF CHILDREN WITH VISUAL IMPAIRMENT**

**CGCP/217/12**

*August 19<sup>th</sup>, 2012*

On the basis that free textbooks were not updated for students with visual impairment, the CNDH opened an ex officio complaint and issued Recommendation 56/2011 to the Ministry of Public Education, in order to promote equality and ensure the right to education for children with visual impairment.

Therefore, staff from this National Commission held a meeting with officials

of said Ministry, the National Commission of Free Textbooks and civil society organizations to assess progress in implementing the aforementioned Recommendation which, once accepted by that authority, is obliged to update free elementary textbooks in Braille system.

Although some agreements were achieved, among which the priority printing of 18 books in the subjects of Spanish, Mathematics and Sciences (areas with the highest rates of failures) stands out, in order to simplify access to educational

material, the CNDH within the framework of its commitment to protection, advocacy and defense of people with disabilities and with the purpose that students do not fall behind academically, assumed the commitment to send audio books to all children with visual impairment, which will be distributed by the month of August.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_217.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_217.pdf)

**RECOMMENDATION ADDRESSED TO MUNICIPALITY THAT HAS NOT PAID ITS DEBTS**

**CGCP/218/12**

*August 20<sup>th</sup>, 2012*

The CNDH issued Recommendation 36/2012, addressed to the Congress of the State of Michoacán and the authorities of Tangancicuaro City of that entity.

There, a citizen's human rights were violated when the municipal authority agreed to buy part of the neighborhood 'Camécuaro Villas' of his property,

in order to preserve that natural zone, and has to date not paid the debt.

The victim complained before the State Commission of Human Rights of Michoacán, which issued Recommendation 04/2010, ordering the municipality to pay as agreed.

Although the municipal authority accepted the recommendation, it never complied with it, reason why the victim filed an appeal and the case

was sent to the National Commission.

After analyzing the evidence, the CNDH warned that the human rights to legality, legal certainty and property were violated against the property owner, and issued Recommendation 36/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_218.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_218.pdf)



## NEW STRATEGIES IN THE MEXICAN LEGAL SYSTEM

### CGCP/219/12

August 21<sup>st</sup>, 2012

The president of the CNDH, Raúl Plascencia-Villanueva, assured that the Mexican Legal System requires a number of strategies that allow a full compliance in terms of human rights.

While teaching the First Lecture at the School of International Relations of the Anáhuac University, the national Ombudsman said that the CNDH, which receives several thousand complaints per year, fulfills its

commitment to defend human rights, with the conviction that an effective protection can only be done if a partnership between institutions and society in general is achieved.

Plascencia-Villanueva also chaired the signing ceremony of a Collaboration Agreement between the CNDH and the Anáhuac University, which will help to consolidate a culture of respect for the fundamental rights of the people, through their study and dissemination, as well as knowledge about

the mechanisms for enforcing them.

At the ceremony were present Father Jesus Quirce Andrew, Dean of the Anáhuac University, Master Carlos Camacho Gaos, Director of the School of International Relations, and other academic authorities.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_219.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_219.pdf)

## CNDH OPENS EX OFFICIO COMPLAINT FILE ON CLASHES AT THE COMMUNITY OF NUEVA JERUSALEM

### CGCP/220/12

August 21<sup>st</sup>, 2012

The CNDH opened an ex officio complaint file regarding recent clashes in the community of Nueva Jerusalem in the municipality of Turicato, Michoacán that have resulted in the school population having compromised their right to education.

The CNDH also requested the state's head of the executive and to the Secretary of Public Education to adopt the following precautionary measures: to guarantee the safety of all

the residents of Nueva Jerusalem, especially the teachers and the school population; to recourse to all possible means of understanding and negotiation to find a peaceful solution to the conflict so that, on the one hand, the state government mediates between the settlers, and on the other, the rights of both parties involved as the other inhabitants are safeguarded within the limits specified in our Constitution; and to act, if necessary, in accordance with the principles of legality, necessity, reasonableness and proportionality.

The Commission will punctually monitor the developments and will exercise its powers to ensure the respect of human rights of the inhabitants of the New Jerusalem, with particular emphasis on those of minors, under the principle of the best interests of the child.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_220.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_220.pdf)

## UNITING EFFORTS TO FACE THE MIGRATION PHENOMENON

### CGCP/221/12

August 22<sup>nd</sup>, 2012

The National Ombudsman, Raúl Plascencia-Villanueva, summoned public and private institutions of our country to collaborate on the integration of a new approach for the analysis of migration, in order to create public policies to combat the problems associated with this phenomenon.

Speaking at the forum "World Borders and Human Rights", a seminar to commemorate the creation of *El Colegio de la Frontera Norte*, on its thirtieth anniversary, the President

of the CNDH referred to the Collaboration Agreement signed between this institution and the National Commission, through which the Observatory of Migration Legislation and Policy was created.

This Observatory aims to tackle major problems related to the internal and international migration and make borders a natural and safe transit path for people and societies that contribute to create a culture of freedom and respect for human rights.

At the presence of officials, experts, scholars and human rights defenders gathered at

*El Colegio de la Frontera Norte*, Plascencia-Villanueva praised this institution's work over 30 years, during which it has contributed to the generation of scientific knowledge on regional phenomena of the border between México and the United States, as well as has promoted the formation of high-level human resources to address the problem of migration.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_221.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_221.pdf)



### **LONG RANGE POLICIES TO FACE MIGRATION**

**CGCP/222/12**

*August 23<sup>rd</sup>, 2012*

During his keynote speech, within the framework of the commemoration of the thirtieth anniversary of *El Colegio de la Frontera Norte*, the president of the CNDH, Raúl Plascencia-Villanueva considered that the issue of migration requires to be approached from a multidisciplinary perspective that leads

us to understand and explain this phenomenon objectively.

He referred to the constitutional reform of 2011, which is, he said, the most significant reform in the matter since 1917, because it recognizes, formally and fully, the validity and application of international treaties signed by México in the human rights matter.

He also mentioned the new

Immigration Law, which establishes a new legal framework to address the country's migration realities and make compatible national security and respect for migrant rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_222.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_222.pdf)

### **ACCESS TO AN EFFECTIVE JUSTICE SYSTEM FOR INDIGENOUS PEOPLE: CNDH**

**CGCP/223/12**

*August 24<sup>th</sup>, 2012*

The National Human Rights Commission considers it essential to guarantee that indigenous people who are in a detention center have access to an effective justice system.

Many of the indigenous inmates do not know the information related to the matters in which they are involved and ignore the rights they are entitled to when facing a criminal trial.

Through the Program on Management of Early Release Benefits for Indigenous Persons, the National Organism carried out visits to detention centers to meet with those affected and analyze their records.

From January to July 2012, the CNDH presented one thousand 729 applications for the grant in this benefit. As a result, 128 indigenous persons, 124 men and 4 women were released.

This National Organism works permanently in the promotion of the rights

of prisoners to enable them to obtain the benefits of early release provided they comply with the requirements established by the law. It also develops diverse activities to expand medical care in prisons and reiterates the need for specialized courts in indigenous affairs.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_223.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_223.pdf)

### **ENHANCING THE PROMOTION OF YOUTH'S HUMAN RIGHTS**

**CGCP/224/12**

*August 25<sup>th</sup>, 2012*

The CNDH considers essential to strengthen public policies that enable the dissemination and full respect of human rights that are provided for in our Constitution and protected by various international instruments.

It is essential to take the necessary actions to give young people opportunities to study and access employment with fair pay.

Until 2010, México had 29 million 707 thousand people between 15 to 29 years, representing 26.8 percent of the total population.

Some young people, who participated in a national survey, felt that lack of opportunities for access to education and employment and an insecure social environment are some of the problems they face.

They felt that the lack of academic preparation, personal appearance and work inexperience

are factors that impede their access to the labor market and their access to a better life.

The CNDH fulfills its function of developing programs to promote a culture for protection of the rights of young people in general and prevention of behaviors that endanger their physical and emotional integrity.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_224.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_224.pdf)

## EX OFFICIO INVESTIGATION ON ALLEGED ABUSES AT AIRPORT INSPECTIONS

**CGCP/225/12**

August 26<sup>th</sup>, 2012

The National Human Rights Commission opened an ex officio file on the physical inspections that members of the Public Federal Police, without any authority to do so, practice to passengers and users of various airports in México.

It is worrisome for the CNDH the fact that elements of the Federal Police, outside of the legal framework, make pas-

sengers to answer questions and force them to remove their possessions: wallets, hand-bags and in some cases even their prostheses, and practice them physical inspections by touching them, which denigrates their personal dignity.

It is important to note that these are not isolated incidents, but a repeated behavior that has led to excessive inspections of travelers that violate their rights to legality, legal certainty, integrity and personal security, privacy, honor and decent treatment.

The commission will make punctual monitoring of the events, will exercise its legal authority to ensure full respect for human rights of passengers at airports, and after exhausting research, will issue the corresponding determination according to the law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_225.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_225.pdf)

## JOIN EFFORTS TO REVERT RISING TREND IN TORTURE

**CGCP/226/12**

August 27<sup>th</sup>, 2012

The president of the CNDH, Raúl Plascencia-Villanueva stated that training in human rights is fundamental to overcoming the challenges faced by society and to strengthen the national culture of full respect for individuals' physical and psychological integrity.

He regretted that in our country there is an increasing trend of torture, one of the most damaging scourges to society and one of the most serious forms of human rights violations.

During his participation in the Training Program on Prevention, Punishment and Eradication of Torture of the General Attorney's Office, he specified that from 2000 to 2012, the CNDH received five thousand complaints of torture, cruel, inhuman or degrading treatment.

At the event, held at the National Institute of Penal Sciences, the National Ombudsman presented the keynote speech, "The Crime of Torture and Human Rights Protection in México."

Marisela Morales Ibáñez, General Attorney of México,

and the Representative in México of the Office of the High Commissioner on Human Rights, Javier Hernández Valencia, were present at the inauguration of the event.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_226.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_226.pdf)

## EX OFFICIO FILE ON THE OIL SPILL IN THE PORT OF SALINA CRUZ, OAXACA

**CGCP/227/12**

August 28<sup>th</sup>, 2012

The CNDH opened an ex officio complaint file to investigate the oil spill occurred last August 11 in Salina Cruz, Oaxaca, due to the collapse of the monobuoy number three, owned by the Mexican company *Petróleos Mexicanos* (Pemex).

It is worrisome for the National

Human Rights Commission the damage to the environment, pollution of lagoons and beaches with the consequent death of many marine species, in addition to the economic impact for the population that mostly subsists on the fishing coastal shrimp and salt harvesting, not forgetting the merchants and restaurateurs, among others.

Staff of the National Commission went to the place

to evaluate the environmental damage and economic impact to the population.

The CNDH will closely monitor these events, will exercise its legal authority to ensure full respect for and promotion of environmental and economic rights, carrying out investigations and will issue the corresponding determination according to the law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_227.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_227.pdf)



**STRENGTHENING HIGHER EDUCATION GUARANTEES INCLUSIVE DEVELOPMENT**

**CGCP/228/12**

*August 29<sup>th</sup>, 2012*

During his keynote speech, "Human Rights, duties and rights of citizens", at the courses' inauguration ceremony of the Major in Law at the *Instituto Tecnológico Autónomo de México* (ITAM), the president of the CNDH, Raúl Plascencia-Villanueva, affirmed that equal rights and opportunities for everybody start

with education on human rights and crystallizes in solid and transparent democratic institutions, such as those of higher education.

Dr. Plascencia also participated in the signing ceremony of a cooperation agreement between the ITAM and the CNDH.

Before the rector of ITAM, Dr. Arturo Fernández Pérez, who signed the agree-

ment, the National Ombudsman said that for the CNDH, educational and cultural processes are tools to help recover norms and rules of social coexistence, mutual respect, tolerance and effective exercise of rights and duties.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_228.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_228.pdf)



**COORDINATION OF EFFORTS TO PREVENT VIOLATION OF HUMAN RIGHTS**

**CGCP/229/12**

*August 30<sup>th</sup>, 2012*

The president of the CNDH, Raúl Plascencia-Villanueva, called upon the various sectors of society and the institutions of the Mexican State to coordinate efforts to achieve a scheme to prevent human rights violations.

He recommended to municipalities, states and the federal government

to work with civil society to find new paths to overcome some issues and attend as many others of the social agenda.

By participating in the meeting between Authorities and Civil Society Organizations working with the municipality of Guadalupe, Nuevo Leon, the national Ombudsman stated that the commitment of the CNDH is "to prevent the violation of human rights and remediate violations thereof that could be committed".

One of the functions of the CNDH is to investigate human rights violations of Mexicans, but the bet, he said, should be to prevent them and the best way to achieve this is through education, better training of public officials and promotion of human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_229.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_229.pdf)

**CNDH REQUESTS PREVENTIVE MEASURES TO PROTECT PASSENGERS AND AIRPORT USERS**

**CGCP/230/12**

*August 31<sup>st</sup>, 2012*

The National Human Rights Commission requested precautionary measures to the heads of the Ministry of Public Security and of the Ministry of Communication and Transport, consisting in asking them to instruct the public servants under their responsibility, and those of private security companies, to avoid physical inspections or frisking that may be intrusive and contrary to passengers'

traveling through airports in México decent treatment, and to privilege, at all times, the use of technological means that are respectful of the human rights to privacy, intimacy and honor; and that such revisions should be conducted with the minimum interference and delays.

Also to integrate backup videos generated during the passengers' revision process at security checkpoints and into the bag-

gage claim area at various airports in the country, to be send regularly to the national Organism in order to be able to verify the proper treatment to passengers by the staff working at the airports of México.

The CNDH reiterates its commitment with the respect and protection of users and passengers at the airports across the country.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_230.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_230.pdf)



## ARTICLE OF THE MONTH

### The Major Reform

August 6<sup>th</sup>, 2012

Among the most important changes of the last 12 years, certainly the most outstanding is the reform on human rights that the legislative power institutionalized at the time of the first alternation.

The change is radical. From various human rights violations and the corresponding judgments of the Inter American Court of Human Rights, the Congress took the initiative to combine the proposals made over more than a decade by various parties.

The new drafting of Article 1 of the Constitution has been a radical shift in the constitutional doctrine of human rights. These are conceived now as rights of individuals regardless of the disposition of any authority to recognize them as such.

It should be expected that this reform generates an empowerment of the individual. All constitutional rights, individual (physical, movement, liberty, property), civil (organization, association, freedom of expression), political (to vote and

to be voted for, free organization, government control), cultural (religious freedom, sexual freedom), ethnic (linguistic and original identity and customs) and social (labor, gender, education, health, housing), should be, in fact, justiciable.

This means that they can be exercised by going to a judge. That is, this implies a Judicial Power and a system of justice procurement capable of managing the impartation of these rights. It also requires citizens who know such rights and claim them for themselves, as well as to take responsibility for making them effective in their life plans.

What have been embodied in the reform of 2011 are two things: the inherent rights of every personality and the obligation of "all authorities" of a pro-personae framework before the challenged acts. As we know, the history of human rights in México has a strong feudal ingredient which reversed in 180 degrees these terms.

Problems that are against the application of these rights immediately outstand. The first is the inertia of the weight

of history. Among citizens, it is common to find the belief that you can live under the protection of legal norms and the knowledge of constitutional innovation is barely perceptible in the more enlightened layers of population.

Among flesh and blood judges the conviction that is possible to dispense justice under the mentioned second criterion prevails. It can less be presumed that "every authority" is conscious of the priority of the criteria pro personae they are bound to.

In fact, between magistrates and judges there is bewilderment because the new constitutional text changes radically. Strictly speaking, from this provision every judge is a constitutional authority on human rights. But this interpretation is usually filtered through magisterial criterion indicating that as delivering justice the Supreme Court law or jurisprudence must be applied.

Francisco Valdés Ugalde, Flasco-México  
Director

<http://www.vanguardia.com.mx/lamayorreforma-1345084-columna.html>

## BOOK OF THE MONTH

### HANDBOOK ON HUMAN RIGHTS

Author: **MARGARITA ORTIZ  
HERRERA**

Section: law >> theory  
and practice

EAN: 9786070908354

Publisher: Porrúa

ISBN: 9786070908354

Edition: 5th

Format: RUSTIC

Year: 2011

Language: SPANISH

Country: México

Text on human rights or constitutional guarantees, including: definition of terminology; classifications; historical compilation; analysis of each of the human rights enshrined in the Mexican Constitution; a number of documents related to the subject.

<http://www.gandhi.com.mx/index.cfm/id/Producto/dept/libros/pid/514413>



**RECOMMENDATION 35/2012**

**MATTER:** On the case of R1, R3, R4, R6, R7, R9, R10 and R11

**RESPONSIBLE AUTHORITY:** Ministry of the Interior

*August 1<sup>st</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/5/2009/1845/Q, on the basis that on April 27, 2009, it received a written complaint signed by V1, editor of the magazine R1, which assures that since the founding of that publication they realized that the federal government arbitrarily assigns the publicity of its bodies and institutions, and sometimes uses it as a means of prize or punishment according with its editorial line, a circumstance that occurred during various stages of the magazine R1.

Also, that in the past six years advertising in the pages of the magazine R1 was restricted, circumstance that worsened dur-

ing the current presidential term, when the federal government reduced it to zero.

This, by virtue that from January to April 2009, it received five pages of federal government publicity, almost a seventh of what R6 received in the same period, however magazine R1 has a largest circulation in about 40%.

That discriminatory advertising allocation may have intended to limit or affect the right to freedom of expression, plus it can be considered as an indirect means of pressure or censure against the critical line that handles magazine R1, which contravenes the exercise of the freedom of speech and the right to information.

At the written complaint a comparative advertising report conducted to the leading magazines of political content was annexed, which reflects the number of federal administration insertions that have been

published in such print media.

Finally, V1 referred in his complaint that the lack of clear and objective criteria for distributing and advertising violates the human rights of the magazine's members, managers, journalists and reporters of R1. For its part, the CNDH requested information from the Ministries of the Interior, Tourism, Health, Social Development, as well as the Federal Electricity Commission, the National Water Commission and the National Polytechnic Institute, institutions that, at the time, gave the required reports. From the legal analysis of the evidence contained in the aforementioned file, the CNDH concluded that the rights to legality, legal certainty and to freedom of expression and information were violated against the magazines R1 and R3, R4, R6, R7, R9, R10 and R11. Recommendation 35/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_035.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_035.pdf%20)

**RECOMMENDATION 36/2012**

**MATTER:** On Q1's writ of appeal

**RESPONSIBLE AUTHORITIES:** Chair of the Board, LXXII Legislature of the Congress of the State of Michoacán, Council Members of the Municipality of Tangacuaró, Michoacán

*August 7<sup>th</sup>, 2012*

The National Human Rights Commission received the writ of appeal with file number CNDH/5/2011/283/R1, related to Q1's case, on the basis that after five years that the selling of the neighborhood "Villas de Camécuaro", property of Q1, was agreed, in order to preserve the Camécuaro Lake natural area, the only payment fulfilled was the one corresponding

to the state government, remaining unpaid the part corresponding to the municipal authority. Besides, Q1 is forbidden to use the land.

On June 18, 2008, Q1 filed a complaint to the Human Rights Commission of the State of Michoacán, which issued recommendation 004/2010 addressed to the municipal authority of Tangacuaró; the authority, on its part, communicated the acceptance of the recommendation on March 11, 2010.

However, it omitted to send evidence of the full compliance, which made Q1 to file a writ of appeal to this National Commission.

Based on this, the CNDH requested to the municipal authority of Tangacuaró the report established

in article 65 of the National Human Rights Commission Law, twice in written form and three times by telephone, with said authority providing no reply.

From the legal analysis of the evidence contained in the aforementioned writ of appeal, this national Organism concluded that in this case there were violations to the human rights to legality, legal security and property against Q1, by acts consisting of omission to motivate and justify, as well as hinder, the usage of a property with no justified cause, attributable to the municipal authority of Tangacuaró, Michoacán. Recommendation 36/2012 was thus issued.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/>

## RECOMMENDATION 37/2012

**MATTER:** On the case of the "Independence Aqueduct" project in the state of Sonora

**RESPONSIBLE AUTHORITIES:** Minister of Environment and Natural Resources; Constitutional Governor of the state of Sonora

August 9<sup>th</sup>, 2012

The National Human Rights Commission opened complaint file CNDH/1/2010/4942/Q, on the basis that on September 9, 2010 a letter signed by 22 civil organizations from Sonora was published in a national newspaper, in which they revealed various facts related to the construction of the water project called "Independence Aqueduct" to be developed in said state.

The victims stated that in August of that year representatives of the irrigation modules "K73 +500, K105 and 4P4" had gone before the Seventh and Eighth District Courts, in Ciudad Obregon, Sonora, to start a series of *amparos* related to the procurement and development of the "Independence Aqueduct", which sought to send water from the Yaqui River Basin to the city of Hermosillo; situation which according to them, would cause seriously affect their access to water supply in the area.

They said that in one of the trials mentioned, a suspension of the aforementioned tender

was obtained, which led, among other reactions, to two members of those irrigation modules being victims of intimidation from various public officials of the state government of Sonora.

Therefore, on September 21, 2010, the president of the CNDH in exercise of his constitutional and legal powers issued a resolution to open an ex officio file these facts.

On January 21, 2011, members of various associations, from the Citizens Movement for Water and inhabitants of the agricultural region of the Yaqui Valley held a meeting with personnel of this National Organism, to expose that precisely in the Yaqui Valley, which is located in a semi-desert region of the entity, a social conflict was arising due to the "water stress", which placed its population at high risk.

While it is true that the Yaqui River is one of the main sources of water supply in the area, the state government of Sonora was executing the aforementioned "Independence Aqueduct" against various orders granted by the jurisdictional authority to suspend the work, under the premise of balancing water distribution by diverting it from the Plutarco Elías Calles "El Novillo" dam to the city of Hermosillo.

From the legal analysis of the evidence contained in the

forementioned file, this National Commission concluded that there were violations to the human rights to legality, legal certainty, development and decent treatment, against several people in the state of Sonora, attributable to public officials of the state government of that federative entity and of the Ministry of Environment and Natural Resources by facts consisting in non-compliance with a court order, by omission to implement public policies that foster social conflict prevention and, omission to safeguard and respect the due process, guarantee of a hearing, and specifically the right to prior consultation of the members of the Pueblo Yaqui, respectively. Recommendation 37/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_037.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_037.pdf%20)

**RECOMMENDATION 38/2012**

**MATTER:** On the case of the arbitrary detention of V1 and V2, enforced disappearance and deprivation of life of V1, in Cuernavaca, Morelos

**RESPONSIBLE AUTHORITIES:** Ministry of National Defense; Ministry of Public Security

*August 16<sup>th</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/1/2011/3990/Q, due that on May 1, 2011, V1 and V2, were arrested by elements of the Citizen Protection and Aid Secretariat of the municipality of Cuernavaca, Morelos, for having participated in a fight; the aforementioned public officials requested for support via radio, getting the reply of elements of the Federal Police: AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9 and AR10 attached to the Ministry of Public Security, to whom the detainees were handed over.

Later, AR11, AR12, AR13, AR14 and AR15, attached elements to 21 /o Infantry Battalion of the 24th Military Zone SEDENA

in Cuernavaca, Morelos, arrived and put the victims on official vehicles.

On this basis, Q1 and Q2, V1's parents went to the premises of the General Attorney's Office of the state of Morelos and to the delegation of the General Attorney's Office of México in that federative entity, without obtaining information on the whereabouts of their son.

The next day a relative of V1 filed a complaint to the Public Ministry agent assigned to sector shift central-oral proceedings of the aforementioned State Attorney's Office, where Investigation Folder No. 1 was initiated, on the enforced disappearance of a person. That same May 2, 2011, V2 was released by the elements that arrested him.

Subsequently, on the 11 of the same month and year, V1's body was found lifeless on the road to Tochimizolco, near the place known as "La Oco-tera" in Tochimilco, Puebla, and indicating as causes of death on the death certificate head trauma and suffocation by burial.

From the legal analysis

of the evidence contained in the aforementioned, the National Commission concluded that there were violations to the human rights to life, liberty, decent treatment, integrity and personal safety, as well as legal certainty, against of V1 and V2, attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9, AR10, AR11, AR12, AR13, AR14, AR15, AR16 and AR17, elements of the Federal Police attached to the Ministry of Public Security and the Ministry of National Defense, respectively. Recommendation 38/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_038.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_038.pdf%20)



## RECOMMENDATION 39/2012

**MATTER:** On the case of the arbitrary detention and enforced disappearance of V1, V2, V3, V4, V5 and V6, illegal search of the victims and their families, and cruel treatment against V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17, V18, V19, V20, V21, V22, V23, V24, V25, V26 and V27 and other relatives of the missing, in Nuevo Laredo, Tamaulipas.

**RESPONSIBLE AUTHORITY:** Ministry of Navy

*August 21<sup>st</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/2/2011/5186/Q, due to that on June 7, 16 and 20, 2011, complaints were received from Q1, V7, V8, V9, V10 and V11, and forwarded by civil association 1, and the Human Rights Commission of the state of Tamaulipas in which was indicated that between 2 and 5 of that same month and year, V1, V2, V3, V4, V5 and V6 were arrested in different parts of the municipality of Nuevo Laredo, Tamaulipas by elements of the Ministry of Navy (Semar), and that from their detention they did not have news about their whereabouts.

It was pointed out their relatives could not get any information about them, in spite of attending, in the days fol-

lowing the detention, to various institutions including those SEMAR, SEDENA, the PGR, the Office of Justice of the state Tamaulipas and Secretariat of Public Security and Protection of Nuevo Laredo, Tamaulipas.

Also, on July 5, 2011, V11 requested staff of the CNDH to issue, on his favor, precautionary measures so that the elements of the Ministry of Navy refrained from any act of nuisance against all members of his family.

On July 14, 2011, the National Organism asked the head of Legal Unit of SEMAR, the Secretary of Public Security of the state of Tamaulipas and the municipal president of Nuevo Laredo, the application of precautionary measures to cease the harassment against representatives and relatives of V1, V2, V3, V4, V5 and V6, in order to safeguard their life, physical and psychological integrity and moral.

On July 16, 2011, the head of the Legal Unit of SEMAR accepted the precautionary measures issued. And, on August 19, 2011, the head of the Legal Direction and Access to Public Information from the state government of Tamaulipas pointed out that it complied with those measures dictated by this National Organism.

From the legal analysis of the evidence contained in the aforementioned file, the CNDH warned about behaviors from elements of the Ministry of Navy that constitute violations to the human rights to personal liberty, integrity and personal safety, decent treatment, legality and legal certainty due to events involving enforced disappearance of V1, V2, V3, V4, V5 and V6, and the right to home inviolability, legality and legal certainty, against V8, V9, V10, V11 and V12 by acts contrary to the inviolability of the home, when entering their homes without court approval, and finally the right to personal integrity against V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17, V18, V19, V20, V21, V22, V23, V24, V25, V26 and V27, among other family members, for acts consisting on cruel or inhuman treatment. Recommendation 39/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_039.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_039.pdf%20)

**RECOMMENDATION 40/2012**

**MATTER:** On the case of the destruction of a clinical file, inadequate medical attention and consequential deprivation of life against V1, at ISSSTE's Clinical Hospital no. 24 in Puerto Vallarta, Jalisco

**RESPONSIBLE AUTHORITY:** General Director of the Institute of Safety and Social Services for State Employees

*August 30<sup>th</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/1/2012/2094/Q, due to that on August 20, 2011, V1, a 50 years old woman, presented an intense abdominal pain, for what her husband, Q1, chose to transfer her to ISSSTE's Clinical Hospital No. 24, in Puerto Vallarta, Jalisco, where they lived, and where medical staff who treated her also prescribed her medications.

As her health did not improve, the next day she went again to in the aforementioned hospital, underwent surgery the 24th of same month and year, and was released two days later.

On August 29, 2011, V1 reentered to ISSSTE's Clinic Hospital No. 24, and Q1 was informed that the victim apparently had a pulmonary thromboembolism, for this reason, the next day she was sent to the Regional Hospital "Dr. Valentín Gómez Farías" of that Institute, where she received a liver drainage on September 2, 2011; but her health continued to deteriorate.

Subsequently, on September 15, she had to undergo through another surgery and a cavity lavage, and died on September 18th of that same year.

When requesting information, the National Organism warned that the clinical record, developed at Clinic Hospital No. 24, from the aforementioned National Institute in Puerto Vallarta, Jalisco, was not located.

The authority's justification was that in November 7, 2011, allegedly by mistake, such a document was sent to the Department of Casualties and Auctions, to be refined in January 2012, a situation that was confirmed by the adminis-

trative act of April 13, 2012, subscribed by AR1, then director of that hospital. Notwithstanding this, to the date of issuance of this recommendation, this National Commission did not receive any evidence about a process of responsibility or of any preliminary inquiry by such circumstances being carried out.

From the legal analysis of the evidence contained in the aforementioned file, this National Organism observed violations to the human rights to health protection, legal certainty, and life, against V1, attributable to the staff of the ISSSTE's Hospital Clinic no. 24, in Puerto Vallarta, Jalisco. Recommendation 40/2012 was thus issued.

## RECOMMENDATION 41/2012

**MATTER:** On the case of an unfulfilled conciliation concerning inadequate medical care provided by personnel of ISSSTE's General Hospital "Toluca", in the State of México, against V1

**RESPONSIBLE AUTHORITY:**

General Director of the Institute of Safety and Social Services for State Employees

*August 31<sup>st</sup>, 2012*

The National Human Rights Commission opened complaint file CNDH/1/2007/2256/1/Q, due to that on May 14, 2007, V1, a 21 years old male, suffered gas poisoning (carbon monoxide) while bathing.

He was then taken to ISSSTE's General Hospital "Toluca", in Metepec, State of México in which Q1, the victim's father, said that the medical personnel who treated him indicated that his health condition was because of drug consumption, withdrawing under that argument, the oxygen which he had been supplied. In parallel, they extracted a blood sample to check the "type of drug" that he had supposedly taken, but such studies were negative.

Therefore, on May 23, 2007,

Q1 filed a complaint to the Human Rights Commission of the State of México, which in that day was referred to the CNDH in terms of its competence. Subsequently, V1 was referred to ISSSTE's Regional Hospital "October 1", and then to the Psychiatric Hospital "Fray Bernardino Álvarez", attached to the Ministry of Health.

On July 7, 2008, after the corresponding investigation had been carried out and violations to the right to health protection were confirmed, resulting from the inadequate medical care that was provided to V1 by ISSSTE's personnel, the National Commission proposed to the then General Director of the Institute to conciliate the issue; a proposal that was although accepted at the time was not fulfilled. This situation motivated the reopening of the case with file CNDH/1/2012/5974/Q.

From the legal analysis of the evidence contained in the aforementioned file, this National Organism had elements to confirm violations to the rights to health protection, legal certainty, legality and decent treatment against V1, attributable to personnel of the ISSSTE's General Hospital "Toluca". Recommendation 41/2012 was thus issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_041.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_041.pdf%20)

## **Newsletter**

**The CNDH  
Defends and Protects your Rights**

**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*

**Sixth General Visitor**  
*Juan Pablo Piña Kurczyn*

**Executive Secretary**  
*Gerardo Gil Valdivia*

**Technical Secretary of the  
Advisory Council**  
*Oscar Elizundia Treviño*

Periférico Sur 3469,  
Col. San Jerónimo Lídice,  
Delegación Magdalena Contreras,  
C.P. 10200, México D.F.  
Telephone (52.55) 56 81 81 25  
y (52.55) 54 90 74 00  
Toll free code 01800 715 2000



### **Executive Secretary**

Bvd. Adolfo López Mateos, 1922, 1er piso,  
Col. Tlacopac,  
Delegación Álvaro Obregón,  
C.P. 01049, México, D.F.  
Telephone (52.55) 17 19 20 00 ext. 8712  
Fax (52.55) 17 19 21 53  
Toll free code 01 800 715 2000

Correspondence

[ldarbella@cndh.org.mx](mailto:ldarbella@cndh.org.mx)

