

STILL ALIVE, NEWBORN BABY IS DECLARED DEAD
OMBUDSMAN PRESENTS REPORT BEFORE THE NATIONAL SUPREME COURT OF JUSTICE SCJN
CHILDREN'S RIGHTS VIOLATED BY CARE HOME
CNDH INVESTIGATES ATTACK AGAINST CAMERAMAN
PROTECTION FOR RELATIVES OF SALVÁCAR VICTIMS
DISCRIMINATION AGAINST WOMEN PERSISTS
28 AGREEMENTS SIGNED WITH WOMEN'S ORGANISATIONS
CONSTITUTIONAL REFORM STRENGTHENS CNDH
EXERCISING HUMAN RIGHTS ENRICHES DEMOCRACY
JOINING OF FORCES TO SUPPORT MIGRANTS
CNDH AND SEMAR SIGN COLLABORATION AGREEMENT
NATIONAL NETWORK SEEKS EFFECTIVE JUSTICE FOR VICTIMS OF CRIME
INCREASED EMPLOYMENT IN CIVIL ORGANISATIONS
CNDH INCREASES ACTION FOR PREVENTION OF TORTURE
INDIGENOUS PEOPLE CONTINUE TO SUFFER DISCRIMINATION
REDUCTION OF CHILD LABOUR URGED
IMPETUS GIVEN TO PREVENTION IN HUMAN RIGHTS
DIALOGUE WITH UN WORKING GROUP
MEXICO FORCED TO RESPECT INTERNATIONAL TREATIES
PERSECUTION OF MIGRANTS INVESTIGATED
COMPLAINT FILE ON TOLL GATES IN SONORA
NEGLIGENCE TO VICTIMS OF CRIME PERSISTS
GUARANTEE RESPECT FOR MIGRANTS' RIGHTS
CONSOLIDATE CULTURE OF AID FOR VICTIMS
INADEQUATE MEDICAL ASSISTANCE CAUSES IRREPARABLE CONSEQUENCES
AID FOR ATTACKED JOURNALISTS IN JALISCO

RECOMMENDATION 09/2011, **INADEQUATE MEDICAL ATTENTION TO THE DETRIMENT OF V1**
 RECOMMENDATION 10/2011, **EVENTS THAT TOOK PLACE TO THE DETRIMENT OF V1, V2, V3, V4, V5, V6 AND V7, IN THE MUNICIPAL DISTRICT OF APODACA, NUEVO LEÓN**
 RECOMMENDATION 11/2011, **IMPUGNATION OF V1**
 RECOMMENDATION 12/2011, **CASE OF V1 AND V2, WHO LOST THEIR LIVES IN THE LULÚ MINE, IN THE MUNICIPAL DISTRICT OF ESCOBEDO, COAHUILA**
 RECOMMENDATION 13/2011, **RECOURSE TO IMPUGNATION OF V1**

CgCP/051/11

STILL ALIVE, NEWBORN BABY IS DECLARED DEAD

The National Human Rights Commission found elements that prove the violation of the right to protection of health of a woman as well as the right to life of her child. The violations are attributable to medical staff at the General Hospital of Tulancingo de Bravo, Hidalgo. In consequence, Recommendation 06/2011 was issued, for the attention of the state Government. Staff at the General Hospital of Tulancingo de Bravo, Hidalgo run by the state Secretariat of Health provided inadequate medical attention to a woman in the 24th week of pregnancy. This is because upon inducing a premature birth, they killed the baby, a girl that was still alive. The recommendation 06/2011 can be consulted on the national institution's web page: www.cndh.org.mx

CgCP/052/11

OMBUDSMAN PRESENTS REPORT BEFORE THE NATIONAL SUPREME COURT OF JUSTICE (SCJN)

During the National Supreme Court of Justice's plenary session the president of the CNDH, Raúl Plascencia Villanueva stated that at the National Human Rights Commission we are dedicated to the strengthening of institutions in order to provide Mexico with civil servants that respect basic rights. The national Ombudsman acknowledged the work of several institutions that have joined forces with the Commission in the name of a culture of legality and respect of human rights. Upon presenting the 2010 Activities Report, Plascencia Villanueva, highlighted that the national Institution last year received 16 thousand 66 complaints and issued 86 Recommendations for the attention of 115 authorities.

The 2010 Activities report and its statistical annexes can be consulted on the CNDH web page at www.cndh.org.mx

CGCP/053/11

CHILDREN'S RIGHTS VIOLATED BY CARE HOME

The CNDH proved violations to the human rights of at least 18 children boarded at the Children's Respite Care Home, in the municipal district of Benito Juárez, Quintana Roo. At the installations of the aforementioned respite care home a room was found with characteristics of a prison cell, two metres wide and three metres long, with bars in stead of a door that could only be opened from the outside. Said bedroom, without sanitary or electrical installations, had a sealed window and a punch bag. This place was used to isolate the children that committed supposed acts of misbehaviour. Municipal civil servants argued that the children were locked in there when they showed signs of stress, high levels of aggression or abstinence syndrome, which in turn caused damage to their mental integrity. For this reason, the National Human Rights Commission issued the Recommendation 7/2011 to the town hall of Benito Juárez in this entity, upon confirmation of infringement of the rights of worthy treatment, integrity and security established in the country's Political Constitution.

The Recommendation can be consulted fully on the Commission's web page www.cndh.org.mx.

CGCP/054/11

CNDH INVESTIGATES ATTACK AGAINST CAMERAMAN

The National Human Rights Commission launched a complaint file on the case of the Noticieros Televisa correspondence assistant, Milton Martínez, in Saltillo, Coahuila, who was subject to abuse. The reporter was detained and later freed by uniformed officials whilst he was covering a confrontation between authorities against crime in the entity. The attack against Milton Martínez is in addition to one that the photographic reporter Julián Ortega of the newspaper El Imparcial suffered on Monday 28th, February in Hermosillo, Sonora. Three days previously the correspondent of the news agency Associated Press (AP), Oswald Alonso Navarro and the publicist from Radio Fórmula Morelos, Marco Antonio Vallejo Estrada, suffered an armed attack in Cuernavaca, Morelos, where the latter was injured. For the CNDH a definitive investigation and punishment of the culprits are the only way to tackle impunity and strengthen the exercise of freedom of press and expression. These are indispensable prerogatives for the guarantee of a democratic way of life in any country.

CGCP/055/11

PROTECTION FOR RELATIVES OF SALVÁCAR VICTIMS

The National Human Rights Commission requested the implementation of precautionary measures from the corresponding authorities for relatives of the youths that died and were injured

in the massacre that took place on January 30th, 2010 in the Villas de Salvácar housing condominium in Ciudad Juárez, Chihuahua. From the evidence given in the complaint file, and the investigations carried out by staff at the National Commission, the profound terror of eleven of the victims is highlighted as a result of the violations suffered regarding their own and their families' physical integrity and lives. The aim of this is to guarantee the security and physical integrity of these families and avoid their being victim to harassment or intimidation, as well as to the consummation of actions that are difficult or impossible to compensate for. The CNDH reiterates its rejection of acts of violence and continues to assist victims of crime, whilst monitoring the progress of the case in order to issue the resolution in accordance with the law at a later date.

CGCP/056/11

DISCRIMINATION AGAINST WOMEN PERSISTS

A century away from the first International Day of Women and the fight for their civil and political human rights continues, faced with disadvantages and discrimination in the labour market, said Raúl Plascencia Villanueva, president of the National Human Rights Commission, during the opening of the Forum "Female Heads of Family. A step towards the Family-Work Conciliation". The national Ombudsman reflected on how behind the joy of a celebration there lies a sad past and a conflictive reality for women. He indicated that between 1990 and 2008 the female participation in work in Latin America and the Caribbean increased from 32% to 53%, representing more than one hundred thousand women in the region's labour market. "This significant entry into the work force has had important effects in the nations' economy and the well-being of families, as well as helping to reduce marginalization and poverty gaps". The CNDH has taken on the task of supporting the Programmes of Equality between Women and Men and Women's Matters, Raúl Plascencia Villanueva informed.

CGCP/057/11

28 AGREEMENTS SIGNED WITH WOMEN'S ORGANISATIONS

In the context of the "International Day for Women", 28 collaboration agreements were signed between the CNDH and civil organisations from a number of the Republic's states. Raúl Plascencia Villanueva, president of the National Human Rights Commission spoke of the obligations that we have with family, society, public institutions, ourselves and with Mexico. Within this context, the national Ombudsman highlighted the importance of women's participation in creating better coexistence in the country, in exercising rights and carrying out duties. The agreements signed by the National Commission with the women's organisations aim to carry out activities in training, education, promotion, protection and information on human rights.

CGCP/058/11

CONSTITUTIONAL REFORM STRENGTHENS CNDH

The constitutional reform passed by the Senate has strengthened and broadened the protection of human rights in Mexico, and has also represented a fundamental advance for urgent citizen's justice. It symbolises an important step forward in reducing abuse of power under a regime of accountability. The modified articles of the Magna Carta allow for the National Commission to investigate the serious violations to human rights committed by officials of the three levels of government, and even legislators. The constitutional reform has not only strengthened the work of the CNDH, but also presents the commitment of civil servants all over the country to carrying out their work respecting the rights of people.

CgCP/059/11

EXERCISING HUMAN RIGHTS ENRICHES DEMOCRACY

The National Human Rights Commission president Raúl Plascencia Villanueva said that when human rights are violated not only is the victim of an authority's abuse affected but so are public institutions and the ideal of the nation. Lack of respect towards basic rights implies a violation of our Political Constitution he added, during the opening of the Seminar "Analysis of the constitutional reform regarding human rights 2011", organised by the CNDH and the Panamerican University. He emphasised that if public and legal security, freedom, legality and dignity are not guaranteed it complicates the putting into effect of other rights and in particular the aspiration to full democracy.

CgCP/060/11

JOINING OF FORCES TO SUPPORT MIGRANTS

The National Human Rights Commission named the members of the musical Group "El Gigante de América" Ambassadors of the Human Rights of Migrants, in order to strengthen the action taken to help those that cross national territory in search of work in the northern neighbouring nation. They will incorporate promotional work about the human rights of migrants into all their shows and will promote areas of reflection and audiovisual campaigns in several forms of media in order to raise awareness amongst the public. In the ceremony where the collaboration agreement was signed, the national Ombudsman, Raúl Plascencia Villanueva, highlighted the need to raise awareness amongst relevant authorities about the urgent need to put forward preventative and protective measures. José Guadalupe Esparza, member of "El Gigante de América", expressed their gratitude for being assigned as honourable ambassadors.

CgCP/061/11

CNDH AND THE SECRETARIAT OF THE NAVY (SEMAR) SIGN COLLABORATION AGREEMENT

The National Human Rights Commission and the Secretariat of the Navy signed a collaboration agreement to put in motion training and promotion activities for human rights issues. Both institutions have committed themselves to the widespread of the above, the coordination of training and awareness programmes, as well as participation in public action and policies that promote legality culture and respect of the rights of people. The agreement was signed by Doctor Raúl Plascencia Villanueva, president of the CNDH and Admiral Mariano Francisco Saynez Mendoza, SEMAR officer. In this context, the National Human Rights Commission president, Raúl Plascencia Villanueva considered the necessity for education in human rights matters in terms of the reform and prevention of abuse.

CgCP/062/11

NATIONAL NETWORK SEEKS EFFECTIVE JUSTICE FOR VICTIMS OF CRIME

At the signing of a collaboration agreement with the Zacatecas Government and the State Human Rights Commission, Raúl Plascencia Villanueva, the National Human Rights Commission president stated that those directly or indirectly affected by crime must have access to efficient and easy to use justice systems, as well as to damage repair. The agreement was signed to establish the Comprehensive Aid Network for Victims of Crime in the entity. The national Ombudsman added that these people must also receive medical, psychological and legal assistance. He highlighted that the agreement incorporates Zacatecas into the network of state governments that together with the CNDH seek to guarantee justice and equality to victims.

CGCP/063/11

INCREASED EMPLOYMENT IN CIVIL ORGANISATIONS

In 2011 the CNDH will increase activities of promotion, observance study and widespread of human rights matters. From 2010 to the current date, it has signed over 439 collaboration agreements with civil society organisations. In order to continue such progress, the national Ombudsman, Raúl Plascencia Villanueva, pointed out the necessity for the joining of forces with human rights commissions and attorney's offices of the federal entities. The National Human Rights Commission president held a meeting with civil society organisation directors in the state of Hidalgo, where he discussed the importance of joining forces with civil organisations in order to carry out beneficial work for victims.

CGCP/064/11

CNDH INCREASES ACTION FOR THE PREVENTION OF TORTURE

The National Human Rights Commission has carried out one thousand 459 supervisory and monitoring visits in detention centres across the Mexican Republic, since the launch of the National Mechanism for the Prevention of Torture. The national Institution has carried out inspections at these types of installations and has taken action to prevent torture and other cruel, inhumane or degrading treatment or punishment, since August 2007, when the Mexican State accepted the invitation to take on this responsibility. It has carried out 702 visits to Public Prosecutor's Offices and unofficial detention centres, 290 to public security or tribunal prison cells, 160 to adult detention centres, 178 to municipal and district prisons and 42 to youth detention centres. Additionally, it has carried out 35 inspections at psychiatric units, 26 at centres of attention to victims of crime and social aid, 11 at federal centres of social re-adaptation and nine at detention units in hospitals.

CGCP/065/11

INDIGENOUS PEOPLE CONTINUE TO SUFFER DISCRIMINATION

In commemoration of the International Day for the Elimination of Racial Discrimination, this March 21st, the National Human Rights Commission demands doubled efforts for the prevention of situations that imply exclusion for this reason. The indigenous population of our country, comprised of 15.7 million people, is that which on occasions suffers attitudes of rejection and discrimination due to their origin, skin colour, beliefs, cultural representations, language and style of dress. Situations of marginalisation and inequality hinder their social, economic and political development, as well as constituting violations to their basic rights. In order to construct a more just and equal country all forms of discrimination due to reasons of ethnic origin, nationality, social status or any other attack on human dignity must be eradicated.

CGCP/066/11

URGENT NEED TO REDUCE CHILD LABOUR

The CNDH takes action to reduce child labour and avoid violation of the human rights of minors that are forced to work in unhealthy and dangerous conditions. Of the 32.49 million minors under 14 years of age that currently populate the country, three million 14 thousand 800 make up the figure of child labour. The production sectors where basically child labour is concentrated are agriculture, with 42% and commerce with 22%. Adverse economic conditions can lead to children's abandonment of school and their consequent integration into the labour market in unfavourable conditions. The repercussions of this are negative in terms of their personal and emotional development. Amongst the main violations of the human rights of these children are the lack of

protection of their health, integrity and against discrimination, marginalisation and in some cases they are victims of violence. Through the National Campaign to Reduce Child Labour, "It's no use whining little one!", the CNDH creates forums, seminars and discussion tables throughout the Mexican Republic in order to denounce and prevent labour exploitation.

CGCP/067/11

IMPETUS GIVEN TO PREVENTION IN HUMAN RIGHTS

At the launch of a Master's degree in Human Rights in Tabasco, the national Ombudsman Raúl Plascencia Villanueva stated that the training of civil servants and education in human rights issues is required to make progress in prevention. He also emphasised the duty to comply with the "Civil servants' compliance law, as well as that of the citizens is the only possible way to construct a society where respect of dignity, equality, tolerance and justice are the values that control democratic development"; Hence the relevance of education and training. He complemented the legislative progress that has incorporated human rights education into the Constitution, in addition to the commission's commitment to promoting the training of civil servants, of the three levels of government. During the signing of the agreement, he specified that the objective is to contribute towards the cultural movement of human rights and the professionalization of the people that are committed to the promotion and defence of said rights. He also insisted on the need for prevention of violations to human rights.

CGCP/068/11

DIALOGUE WITH UN WORKING GROUP

The National Human Rights Commission president, Raúl Plascencia Villanueva held a meeting with members of the United Nations Organisation Working Group on Enforced or Involuntary Disappearances. He presented them with a CNDH report on the phenomenon of enforced disappearances. The UN delegation received two volumes in English and Spanish, containing 240 cases. The members of the Working Group present at the meeting were Jasminka Dzumhur, Osman El-Hajjé and Ariel Dulitzky, who during the discourse exchanged comments with the national Ombudsman regarding specific cases. The Working Group on Enforced or Involuntary Disappearances was established by the UN Human Rights Commission in 1980 to attend to relatives of disappeared people regarding their location or possible fate.

CGCP/069/11

MEXICO FORCED TO RESPECT INTERNATIONAL TREATIES

The constitutional reform in terms of human rights passed by senators and deputies, has reinforced the application and normative efficiency of more than one hundred international instruments in Mexico, such as treaties and declarations. The changes determine that the interpretation of human rights norms must be carried out in agreement with the principles internationally respected. The changes to the constitutional article 105 allow the CNDH to, through unconstitutional action, to implement effectively the highest international standards of human rights, across the country. Throughout the history of the CNDH, the National Commission has actively participated in the application and integration into society of the current frameworks on the matter. This has been in order to promote, raise awareness of, generate respect around and put into practice universal models. The new attributions strengthen the work of the Institution in the promotion of complete harmony in the federal legislation and the states of the Republic, in terms of international human rights instruments.

CGCP/070/11

PERSECUTION OF MIGRANTS INVESTIGATED

The National Human Rights Commission launched a complaint file and investigation for the events that took place in the tourist zone “Boca del Cerro”, in Tenosique, Tabasco. There, federal migrant officers carried out a detainment operation in which one of them carried a machete in his hand. A video recording shows how federal migrant agents followed migrants escaping from the operation to the banks of River Usumacinta, which caused a woman to throw herself into the river in order to avoid capture. National Commission staff have carried out visits to migratory stations in the area in order to locate the migrants connected to these events and gather statements from them. They have also tried to communicate with the municipal district authorities, to obtain more information. The CNDH urges migratory authorities to respect human rights during detention operations, regardless of the migratory status, in the name of physical integrity and life.

CGCP/071/11

COMPLAINT FILE ON TOLL GATE IN SONORA

The National Human Rights Commission launched a complaint file and investigation for the alleged absence of free transit in the state of Sonora. According to the victims, the federal authorities have denied and prevented free passage on the motorway Don-Nogales. The inhabitants of the municipal district Navojoa have to pay a fee or present a “document” in order to enter or leave. This is considered a violation to the individual rights granted in the Constitution. Under instruction of the national Ombudsman, Raúl Plascencia Villanueva, CNDH staff went to the scene of the event to gather information on the case and carry out an investigation. Once the investigation is complete, the CNDH will issue a resolution on the matter, in accordance with the law.

CGCP/072/11

NEGLIGENCE TO VICTIMS OF CRIME PERSISTS

The National Human Rights Commission president, Raúl Plascencia Villanueva, put into action the Aid Network for Victims of Kidnapping in the state of Aguascalientes, and called for the public institutions to re-think their systems of care and aid for victims. There are victims of crime that continue to have their dignity disrespected, they are marginalised from legal trial and decisions are taken without their participation, he stated. A General Collaboration Agreement between the CNDH, the state government and the State Human Rights Commission was also signed. This will allow for the sponsoring and propagation of victims’ rights, legal assistance, medical and psychological attention to be carried out.

CGCP/073/11

GUARANTEE RESPECT FOR MIGRANTS RIGHTS

The National Human Rights Commission president, Raúl Plascencia Villanueva, specified that the national Institution shall maintain its call for the relevant authorities to prevent and sanction criminal acts such as human trafficking and kidnapping of migrants that infringe upon the victims’ rights, as well as for integral social development. He stated that the Institution will not cease in its work to guarantee respect for the human rights of migrants. This took place at the International Forum “Migration and Human Trafficking”, with the presentation of “Migrants and their Human Rights” in the state of Chiapas.

CgCP/074/11

CONSOLIDATE CULTURE OF AID FOR VICTIMS

Upon receiving the State Prize for Human Rights 2010 in Durango, the National Human Rights Commission president, Raúl Plascencia Villanueva, said that one of the national Institution's objectives is to consolidate a culture of aid for victims of crime and to overcome lags in the integral development of human rights. He reflected upon the need for attention to kidnappings given that they have become a threat to social order, harmful to victims, their families and friends. In order to confront this, it is indispensable to identify the contributing causes and factors, as well as to provide comprehensive aid to the people that are affected.

CgCP/075/11

INADEQUATE MEDICAL ATTENTION CAUSES IRREPARABLE CONSEQUENCES

In response to the recourse to impugnation presented by the victim and after carrying out the respective investigation, the National Human Rights Commission issued the Guerrero state government with the Recommendation 13/2011. This is upon considering that the right to health protection of the person presenting complaint was violated, given that she received inadequate medical attention for a fractured ankle, which later caused her irreparable consequences. This took place at the General Hospital of Chilapa de Álvarez, Guerrero, run by the Secretariat of Public Health of the government of this state. The CNDH Recommendation 13/2011 can be consulted on the national institution's web page: www.cndh.org.mx

CgCP/076/11

AID FOR ATTACKED JOURNALIST IN JALISCO

The National Human Rights Commission sent assigned visitors to the city of Guadalajara, Jalisco, to support and collect statements from journalists allegedly attacked by a civil servant of the state government. The communicators had reported the recurring denigration and insulting of reporters that publish critical information on current government administration in Jalisco, committed by the official. For months the Jalisco government official has been systematically threatening, slandering and attacking them, seeking to restrict their journalistic work. He has done so via e-mail, phone calls and through social networks. As part of its responsibility to provide constant attention to cases that may constitute violations of the human rights of communicators and in supporting the state Commission, the CNDH shall remain attentive to the development of the events.

RECOMMENDATIONS

In the following pages, the synopsis of the recommendations emitted by the CNDH during the month of March, 2011 is presented. The complete version may be consulted on this institution's web page: <http://www.cndh.org.mx/cartnews/cartnws.htm>

CASE: **INADEQUATE MEDICAL ATTENTION TO THE DETRIMENT OF V1**

AUTHORITY RESPONSIBLE:

GENERAL DIRECTOR OF THE MEXICAN SOCIAL SECURITY INSTITUTE

On May 12th, 2010, V1, a child aged one and a half years showed symptoms of suffering vomiting, diarrhea and fever, which caused his mother to take him, the following day, to the Health Centre run by the Secretariat of Public Health, in the municipal district of Agua Dulce, Veracruz. There, medical staff attended the infant and prescribed a "saline solution". However, on the basis that the victim's condition did not improve, on the 14th of the same month and year, his parents took him to the Family Medical Unit number 53, of the Mexican Social Security Institute, located in the aforementioned municipal district. There, he was attended by doctor AR1, who instead of giving him the required urgent medical attention, due to the child suffering hypovolemic shock, ordered his transfer to a hospital located in the municipal district of Coatzacoalcos, Veracruz. He was transported by taxi, as there were no available ambulances, however, V1 died in transit.

The events described in the previous paragraph, were published in a number of information bulletins on May 15th, 2010, in the newspapers "El Diario del Istmo" and "Liberal del Sur". This caused the National Human Rights Commission to launch on the 17th of the same month and year file CNDH/1/2010/2794/Q, in order to discover and investigate the events of the case. Therefore, the CNDH requested the corresponding reports from the secretary of Public Health, the general director of Public Health Services of Veracruz, and the coordinator of The Mexican Social Security Institute's attention to Complaints and Guidance for Right Bearers.

A logical legal analysis was carried out using the evidence that make up the file CNDH/1/2010/2794/Q, in accordance with the terms set out in article 41 of the Mexican National Human Rights Commission Law. Elements from the analysis prove violations to the right to health protection and the right to life to the detriment of V1, attributable to a civil servant of the Family Medical Unit number 53, of the Mexican Social Security Institute located in the municipal district of Agua Dulce, Veracruz.

As a result, the National Human Rights Commission of Human Rights respectfully presents the following **RECOMMENDATIONS**:

TO THE GENERAL DIRECTOR OF THE MEXICAN SOCIAL SECURITY INSTITUTE:

FIRST. Instruct whom it may concern so that the necessary measures are taken to compensate the relatives of V1 or whoever is better entitled. This is regarding the institutional responsibility incurred by AR1 and the points considered in the observations chapter of this recommendation. AR1 is a doctor assigned to the Family Medical Unit number 53 of the Mexican Social Security Institute, located in the municipal district of Agua Dulce, Veracruz. The National Commission must be provided with evidence that proves completion of the above.

SECOND. Circulate instruction amongst whom it may concern in order to repair psychological damage caused to the parents of V1. This is to reduce the suffering they may show through the necessary treatment to restore their physical and emotional health. Provide the National Commission with evidence that proves completion of the above.

THIRD. Circulate instructions to whom it may concern in order to provide the National Human Rights Commission with evaluation methods that show the positive impact of training on the content and observance of the Mexican Official Norms regarding public health, to be carried out by the Family Medical Unit number 53 of the Mexican Social Security Institute, located in the municipal district of Agua Dulce, Veracruz.

FOURTH. Circulate instructions to whom it may concern in order to oblige the staff at the Family Medical Unit number 53 of the Mexican Social Security Unit, located in the municipal district of Agua Dulce, Veracruz, to present a copy of the certification and re-certification processed by the Medical Speciality Boards. This is to prove their updating, experience and adequate knowledge for the maintenance of the necessary skills needed to provide an adequate and professional medical service.

FIFTH. Ample collaboration with the national institution in the presentation and processing of the complaint presented before the Internal Control Body of the Mexican Social Security Institute, against the medical staff involved in the events described in the present recommendation. Required evidence must also be sent to the National Commission.

SIXTH. Necessary collaboration with the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the Attorney General's Office, due to the involvement of a civil servant. Any evidence requested must also be sent to this national institution

SEVENTH. Circulate instruction to whom it may concern in order to provide a medical team, ambulance and medical staff that are qualified and proficient in all areas of the Family Medical Unit number 53 of the Mexican Social Security Unit, located in the municipal district of Agua Dulce, Veracruz. Evidence that proves completion of the above must also be sent to the National Commission.

RECOMMENDATION 10/2011

Mexico City, March 25th, 2011

CASE: EVENTS THAT TOOK PLACE TO THE DETRIMENT OF V1, V2, V3, V4, V5, V6 AND V7, IN THE MUNICIPAL DISTRICT OF APODACA, NUEVO LEÓN.

AUTHORITY RESPONSIBLE:
SECRETARY OF NATIONAL DEFENCE

The National Human Rights Commission discovered through the news bulletins published on September 6th, 2010, in a number of national and local newspapers that after 22:00 hours on September 5th, 2010, military officers shot at a vehicle and injured 5 people. The vehicle had been ordered to stop, and was travelling south on the Monterrey-Laredo motorway, between the north-eastern relief road and the Santa Rosa motorway, in the municipal district of Apodaca, Nuevo León. At the scene, V1, who was 15 years old, died, whilst another injured person, V2, 52 years old, died hours later. V3, V4 and V5 were injured by fire arm bullets. V6 and V7 (infants), were left unharmed. Regarding the above, complaint file CNDH/2/2010/4777/Q was launched on September 6th, 2010.

Furthermore, on September 6th, 2010, V3 presented a complaint file before the Nuevo León State Human Rights Commission, against Mexican Army officers, regarding the earlier mentioned events, in which it is specified that at no point did they observe that the Secretariat of National Defence staff ordered them to stop. Additionally, in order to document the violations of human rights, assigned visitors and experts of the National Commission carried out extensive field work to locate and gather statements and documents. Furthermore, information was requested from the Secretariat of National Defence, the Attorney General's Office and the Nuevo León State District Attorney's Office.

A logical legal analysis was carried out using the evidence that makes up the complaint file CNDH/2/2010/4777/Q, in accordance with the terms set out in article 41 of the Mexican National Human Rights Commission Law. The analysis evidenced violations of the human right to life,

integrity and personal security, legality and legal security and the right of minors to a protected integrity, due to consistent acts of murder, cruel treatment, arbitrary use of public force and abuse of public office to the detriment of V1, V2, V3, V4, V5, V6 and V7, attributable to civil servants of the Secretariat of National Defence.

Given the above, the National Human Rights Commission considers it appropriate to respectfully present the following **RECOMMENDATIONS**:

TO THE SECRETARY OF NATIONAL DEFENCE:

FIRST. Ample collaboration with the National Human Rights Commission in the processing of the complaint that the public institution brings before the General Inspection and Comptrollership Unit of the Mexican Armed and Air Force, against the civil servants of the Secretariat of National Defence that intervened in the events discussed in this case. Any evidence requested, as well as proof of completion of the above must be sent to the human rights defence institution.

SECOND. Ample collaboration in the presentation of the complaint of the events that the National Commission will form before the Attorney General's Office, in order to launch the preliminary investigation in the competent area and taking into account the evidence earlier described, due to the cause of this announcement being the behaviour of civil servants. Requested evidence must be sent to the national institution.

THIRD. Instruct whom it may concern in order to intensify the application of the "Human Rights S.D.N. 2008-2012 Programme". This is to be directed to the middle ranks as well as the troops and evaluative measures must be developed to assess the positive impact of the human rights training. Proof of completion of the above must be sent to the national institution.

FOURTH. Instruct whom it may concern so that before the corresponding study, a directive, norm or order is issued to regulate the proportional use of public force, taking into account principles of legality, necessity and proportionality. It will be published in the Official Journal of the Federation and in an easily distributable document the will have to be distributed to all troop and official staff that occupy public safety roles. Educational courses will also be implemented. Evidence proving completion of this must be sent to the national institution.

RECOMMENDATION 11/2011

Mexico City, March 28th, 2011

CASE: **IMPUGNATION OF V1.**

AUTHORITY RESPONSIBLE:

DEPUTY PRESIDENT OF THE BOARD OF DIRECTORS OF THE LIX LEGISLATURE OF THE HONOURABLE CONGRESS OF THE STATE OF GUERRERO
MEMBERS OF THE TOWN HALL OF METLATONOC, GUERRERO

On March 29th, 2009, AR1 entered a building property of V1 located in the community of Juanacatlán, municipal district of Metlatónoc, Guerrero, without their authorisation or consent. There, he knocked down a water tank using heavy machinery despite the warnings from the victim's relatives, which he ignored. V1 showed that the actions of AR1, a municipal superintendent of Juanacatlán, that caused damages in his property, was an act of reprisal for having stopped professing Catholicism and for not accepting the role of second officer to watch over the community's catholic church.

Regarding the events, AR1 argued that the entrance of machinery to the area was for the construction of a new water tank, given that the current one was deteriorating. This situation was discussed and resolved at the Cooperative's General Assembly meeting held on March 16th, 2009, where the works carried out in the cited building were ratified and which since 1982 has been recognised by the cooperative as available for common use.

Having proven that AR1's actions were not within the law, and given that V1 demonstrated that he was the owner of the building, the local institution of Human Rights protection, issued recommendation 089/2009 on September 10th, 2009, upon proving that the human rights to legality and legal security were violated to the detriment of V1. Once notified of the recommendation, the Town hall did not announce acceptance or refusal of the resolution issued by the State Human Rights Commission. For this reason, the local institution determined the answer as negative. Once the offended was advised of the refusal, he presented the recourse of impugnation on October 4th, 2010.

A logical legal analysis was carried out using the collection of evidence that make up this recourse to impugnation. The analysis shows that the human rights to legality, legal security and freedom of thought that are recognised in articles 14, second paragraph, 16, first and sixteenth paragraphs, and 24, first paragraph of the Political Constitution of the United Mexican States, were violated to the detriment of V1, by acts attributable to AR1, municipal superintendent of Juanacatlán, Metlatónoc, Guerrero.

Given the above, and with basis in articles 65 and 66, section a), of the Mexican National Human Rights Law, as well as in 168 of its internal regulations, we respectfully present the following **RECOMMENDATIONS**:

TO THE DEPUTY PRESIDENT OF THE BOARD OF DIRECTORS OF THE LIX LEGISLATURE OF THE HONOURABLE CONGRESS OF THE STATE OF GUERRERO:

FIRST. Circulate the pertinent instruction to whom it may concern in order to launch, in accordance with the law, an investigation to determine the responsibilities that the civil servants members of the Juanacatlán Town hall, Metlatónoc, Guerrero may have incurred by refusing to accept recommendation 089/2009 issued by the Guerrero State Human Rights Defence Commission and by not respecting the information requirements of the institution. Evidence that proves completion of the above must be sent to the National Commission.

SECOND.

Urge the Constitutional Town Hall of Metlatónoc, Guerrero to produce the reports requested by the National Human Rights Commission, in order to comply with the law of this human rights defence institution.

TO THE MEMBERS OF THE CITY HALL OF METLATÓNOC, GUERRERO:

FIRST. Instruct whom it may concern in order to comply with the recommendation 089/2009, issued on September 10th, 2009 by the Human Rights Defence Commission of the state of Guerrero. Evidence that proves the completion and observance of the above must be sent to the National Commission.

SECOND. Collaboration with the administrative investigation that is to be launched by the Honourable Congress of the state of Guerrero, regarding the considerations voiced in the observations chapter of this document. Proof requested must be supplied.

THIRD. Ample collaboration with the National Human Rights Commission in the presentation and monitoring of the complaint, to be presented before the District Attorney's Office of the state of Guerrero, due to the cause of this announcement being the actions of a municipal civil servant. Requested evidence must be sent to the national institution.

RECOMMENDATION 12/2011

Mexico City, March 29th, 2011

Case: **V1 and V2, who lost their lives in the Lulú Mine, in the municipal district of Escobedo, Coahuila**

AUTHORITY RESPONSIBLE:

SECRETARY OF ECONOMY

SECRETARY OF LABOUR AND SOCIAL WELFARE

On September 1st, 2009, the National Commission received the complaint presented by the miners Q1, Q2, Q3, Q4 and Q5, in which they pointed out that on August 6th, 2009 there was an accident inside the Lulú mine, located in the municipal district of Escobedo, Coahuila, in which two workers, V1 and V2, died. They added that since they began the work in the mine, around the year 2005, and up until the day of the accident, the Secretariats of Labour and Social Welfare and Economy inspections had not been carried out regarding safety and hygiene at this work centre. This is despite the fact that the risks to the lives and personal integrity of the miners were imminent. It was not until August 7th, 2009, that is to say, after the accident in which V1 and V2 lost their lives that authorities from the Secretariat of Labour and Social Welfare carried out a special inspection.

However, the Lulú mine, linked to Company 1, continued functioning without implementing safety and hygiene measures for the miners, until February 3rd, 2011. This was when the cited department issued press bulletin 13, in which it published that Company 1 announced the resolution of total closure of the coal mine, given that on February 2nd, 2011 there was another accident in which two more workers died.

Given the events of the reported violations of human rights, the National Commission launched complaint file CNDH/2/2009/4177/Q and, in order to document the violations to human rights, assigned visitors carried out investigations to gather information, as well as requesting reports from the Secretariat of Labour and Social Welfare, the Secretariat of Economy and the Mexican Social Security Institute (IMSS).

A logical legal analysis was carried out on the collection of evidence that makes up complaints file CNDH/2/2009/4177/Q, in accordance with the terms set out in article 14 of the Mexican National Human Rights Commission Law. The National Institution was able to observe violations to the human rights of legality and legal security to the detriment of V1 and V2 and the other workers of the Lulú mine, due to their providing consistently inadequate public service, attributable to civil servants of the Secretariat of Labour and Social Welfare and the Secretariat of Economy.

Regarding the above, the National Human Rights Commission considers it appropriate the respectful presentation of the following **RECOMMENDATIONS**:

TO THE SECRETARY OF ECONOMY:

FIRST. Instruct whom it may concern to carry out periodic inspections to underground coal mines, in order to verify the safety conditions of the work places. This is in conjunction with the Secretariat of Labour and Social Welfare. Once carried out, send the National Commission proof of completion.

SECOND. Carry out the necessary action to evaluate, periodically, the personality profile and knowledge of the inspectors assigned to the Secretariat regarding human rights and visits to verify completion of the duties imposed by the Mining Law on the concessive companies. This is to identify, if relevant, the civil servants that put society at great risk and that prevent adequate exercise of public function.

THIRD. Take the necessary measures to reinforce the procedures relating to civil service degrees for hiring and selection, taking into consideration the profile and necessities of the role, education, training and evaluation of the officials or civil servants in charge of activities of inspection in the areas of safety and hygiene. This is to guarantee adequate application of the law. Proof of completion of the above must be sent to the National Institution.

FOURTH. Circulate the necessary instruction to provide the General Department of Mines with sufficient material, economic and human resources to carry out inspections to a greater number of companies that have mine concessions, to implement measures that prevent accidents and to verify that the activities are carried out in safety conditions that guarantee the life, integrity and safety of the workers. Proof of completion of this must be sent to the National Commission.

FIFTH. Ample collaboration with the National Commission in the processing of the complaint that it presents before the Internal Control Body of the Secretary in question, against the civil servants that intervened in the events stated in this case. The National Commission must be kept informed from the beginning of the investigation to its conclusion.

SIXTH. Instruct whom it may concern so that the Secretariat in question establishes an information exchange system with the Secretariat of Labour and Social Welfare in order to draw attention to the safety risks at mine sites across the Mexican Republic. With this information, carry out inspections and verify the conditions of the work sites.

SEVENTH. Instruct whom it may concern in order to, whether in autonomous visits from the Secretariat or derived from a petition of the Secretariat of Labour, use the facility regulated in article 43 of the Mining Law to suspend provisionally or completely work in the mines in a situation of imminent danger or damage.

TO THE SECRETARY OF LABOUR AND SOCIAL PROVISION:

FIRST. Circulate instruction in order to assess, orientate and legally represent the workers and the beneficiaries of V1 and V2 through the Federal Attorney's Office of the Defence of Labour. This is to provide them with the due compensation and so that they consider their work aspirations satisfied. This is in addition to assuring repair through psychological, medical and rehabilitative aid to allow the recuperation of the physical and psychological condition of the relatives of V1 and V2, or whoever is better entitled. Evidence that proves completion of the above must be sent to the National Commission.

SECOND. Instruct whom it may concern so that periodic inspections are carried out at the underground coal mines, in order to verify the safety and hygiene conditions of these work sites. This is in conjunction with the Secretariat of Economy. Once carried out, proof of its completion must be sent to the National Commission.

THIRD. Instruct whom it may concern so that in cases of inspection situations that put the workers life or security in danger are detected, so that the procedure discussed in article 512-D of the Federal Labour Law is launched, and so that this is seen by the authorities of the Secretariat of Economy so that, if necessary, the mines that put the lives and safety of workers at risk are closed provisionally. Additionally, due monitoring must be carried out.

FOURTH. Carry out the necessary action to evaluate, periodically, the personality profile and knowledge of the inspectors assigned to the Secretariat regarding human rights and visits to verify completion of the duties imposed by the Mining Law on the concessive companies. This is to identify, if relevant, the civil servants that put society at great risk and prevent adequate exercise of public function. This is to avoid incurring actions such as those that brought about this recommendation. Evidence of its completion must be sent to the National Commission.

FIFTH.

Take the necessary measures so that the General Department of Federal Inspection of Labour increases its staff in order to have sufficient staff to be able to attend immediately and fully the coal mining industry. This is in order to be able to carry out efficiently the inspections and

strengthen the procedures relating to civil service degrees for hiring and selection, taking into consideration the profile and necessities of the role, education, training and evaluation of the officials or civil servants in charge of activities of inspection in the areas of safety and hygiene. This is to guarantee adequate application of the law. Proof of completion of the above must be sent to the National Institution.

SIXTH. Ample collaboration with the National Commission in the processing of the complaint that it presents before the Internal Control Body of the Secretary in question, against the civil servants that intervened in the events stated in this case. The National Commission must be kept informed from the beginning of the investigation to its conclusion.

SEVENTH. Ample collaboration in the presentation of the complaint of the events that the National Commission will form before the Attorney General's Office, in order to launch the preliminary investigation in the competent area and taking into account the evidence described, due to the cause of this announcement being the behaviour of civil servants. Requested evidence must be sent to the national institution.

EIGHTH. Instruct whom it may concern in order to implement action and measures destined to duly integrate the National Business Directory, in order to detect opportunely and carry out inspections to new work sites and prevent future accidents in concessionary mining site companies, taking as a starting point the Public Register of Mining. Once carried out, evidence of its completion must be sent to the National Institution.

NINTH. Instruct whom it may concern so that the Secretariat in question establishes an information exchange system with the Secretariat of Economy in order to detect the safety risks at mine sites across the Mexican Republic. With this information, carry out inspections and verify the conditions of these work sites.

RECOMMENDATION 13/2011

Mexico, 29th March, 2011

CASE: **RECOURSE TO IMPUGNATION OF V1.**

AUTHORITY RESPONSIBLE:

CONSTITUTIONAL GOVERNOR OF THE FREE AND SOVEREIGN STATE OF GUERRERO

On January 28th, 2009 at the CODDEHUM, the complaint file CODDEHUM-VG/018/2009-II was registered by V1, in which it is stated that on May 16th, 2008, due to an accident at home, he suffered a dislocation and light fracture of his left ankle. Therefore, he went to the General Hospital of Chilapa de Álvarez, Guerrero, run by the Secretariat of Public Health of this federal entity. There, AR1, who was working at Emergency services at said hospital, put his ankle in cast and told him, verbally, to come back for a check up in six weeks.

On July 2nd, 2008 V1 returned to the same hospital where he was checked over by SP1, a specialist in trauma. He informed that the injury had not progressed correctly, given that AR1 had not verified the positioning of the cast using X-ray, and therefore they would have to operate on July 7th, 2008. However, after the intervention and to the current date, V1 experiences irritation when walking and according to SP1, will suffer these consequences for life as the bone was not set correctly. Once the CODDEHUM carried out the corresponding investigation and upon proving the violation to the human right of protection of health, V1 directed recommendation 015/2010 to AR2, on February 22nd, 2010.

Said resolution was not accepted, given that the authority to which it was sent, responded by accepting the first and third points of the resolution, but not the relative presentation of compensation to V1. Therefore, he called for recourse to impugnation, which was settled at the National Commission under file number CNDH/2/2010/152/RI. On June 24th, 2010, the national

institution requested a report from the authority that received recommendation 015/2010, regarding the offences made known by the offended that was not attended.

A logical legal analysis was carried out on the collection of evidence that compose the recourse to impugnation CNDH/2/2010/152/RI described earlier. The national institution agrees with the resolution issued by the state commission, given that the right to protection of health was violated to the detriment of V1.

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

RECOMMENDATIONS:

TO THE CONSTITUTIONAL GOVERNOR OF THE FREE AND SOVEREIGN STATE OF GUERRERO:

FIRST. Instruct whom it may concern so that the recommendation 015/2010 is accepted and fully completed. The recommendation was directed to the Secretariat of Public Health of the Government of Guerrero, issued on February 22nd, 2010 by the Guerrero State Human Rights Defence Commission. Evidence that proves the full completion of the above must be sent to the National Commission, in accordance with the information set out in the observations chapter of this document.

SECOND. Circulate the necessary instructions to repair the damage caused to V1, through psychological, medical and rehabilitative aid, up until his total recuperation. The institution must be informed of the results of the above.

THIRD. Launch the corresponding administrative process of investigation into the state Secretariat of Public Health, for the acts and omissions specified in the observations chapter of this document. If necessary, keep the National Commission informed from the beginning of the investigation to the conclusion of the respective procedure, as well as the resolution issued, seeing as the required reports were not provided.

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