



Comisión Nacional de los
Derechos Humanos
MEXICO

Newsletter

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The Voice of the President

Defending freedom of Speech

Raúl Plascencia Villanueva

October 25th 2011

In the last 200 years we have made landmark progress on the subject of freedom of speech, but we must also admit that our country has seen its share of dark times, when anyone who publicly opposed the ways of the State was condemned.

Since then, it has been made clear that respect for the right to air one's ideas is essential.

Doing so orally, in print or through electronic media is a right afforded by the American Convention on Human Rights and the International

Covenant on Civil and Political Rights. It is not, shall we say, something we long for or a personal stance; it is a universally accepted principle.

The amendment of article 373 of the Penal Code of the state of Veracruz has unearthed methods of the past.



It is disturbing to find that there is a desire to return to a past which society was determined to overcome, in the XXI century.

This was the case when social dissolution was seen as a crime and the authority's mediator was responsible for determining who was guilty of it. It is wrong to condemn the expression of ideas when there are other means of ensuring damage compensation.

This precept allows for the sanctioning of "he who falsely claims, by any means, the presence of explosives or other kinds of devices which breach the peace".

It is a measure which contradicts the Political Constitution of the United Mexican States and international treaties.

<http://www.eluniversal.com.mx/editoriales/55337.html>

Event of the month

Asia Pacific Regional Conference on Human Rights and Businesses

Asia Pacific Regional Conference on Human Rights and Businesses, to which doctor Raúl Plascencia Villanueva was invited in his capacity as member of the Bureau of the International Coordinating Committee of National



Institutions for the Promotion and Protection of Human Rights (ICC).





INCREASED OPPORTUNITIES FOR OLDER PERSONS

CGCP/245/11

October 1st 2011

In light of the International Day of Older Persons which is celebrated today, the CNDH believes we must exploit the capabilities, knowledge and experience possessed by the more than 10 million men and women who constitute this population segment in our country.

According to official figures, 58.1 percent of Mexico's

senior citizens are heads of household.

Through the National Program for the Promotion and Dissemination of the Human Rights of Older Persons, the CNDH conducts educational seminars, courses and workshops aimed at civil servants with the goal of improving the way such people are treated and attended.

The Support Network for Girls, Boys and Older Persons whose Human Rights

have been Violated is a service which offers advice on family, legal and psychological matters 365 days a year.

The General Assembly of the United Nations designated the 1st of October as the International Day of Older Persons on December 14th 1990, in order to monitor the actions favoring this social group and divulge their fundamental rights.

<http://www.cndh.org.mx/node/37>

CASE INVOLVING CHILDREN FROM MICHOACAN INVESTIGATED

CGCP/246/11

October 2nd 2011

The National Human Rights Commission exercised its authority to assert jurisdiction, conferred by law, and initiated a complaint file to investigate the case of the sixth grade students which were allegedly undressed by teachers at the federal primary school "Club

de Leones" of La Piedad, Michoacán.

According to relatives of the aggravated boys and girls, on September 23rd, the headmistress and several teachers of the school forced the kids to remove their clothing with the pretext of locating 180 pesos which had been lost in a classroom.

CNDH staff visited this city

with the aim of contacting the offended and their families. They were given victimology care which included legal advice, psychological aid and accompaniment in order to safeguard the rights recognized by the Political Constitution of the United Mexican States and International Treaties on the subject.

<http://www.cndh.org.mx/node/37>

JOINT EFFORTS TO END VIOLENCE AND IMPUNITY

CGCP/247/11

October 2nd 2011

Given that today is the commemorative date of the **International Day of Non-Violence**, the Mexican National Human Rights Commission believes it is necessary to implement strategies which help us overcome violence and hinder its propagation, and that we must join efforts to tackle impunity.

It is, unquestionably, everyone's duty to eradicate

the discrimination, corruption, hate and confrontation which preclude harmonious interaction.

One of the CNDH's main lines of work is the development of a Culture of Legality, which strives to enlighten all the population about its rights whilst also ensuring it fulfills its duties.

Through the distribution of the Primer on the Rights and Duties of Individuals it seeks to help make citizens more aware of their re-

sponsibilities with their fellow citizens and with the country.

The National Commission performs educational activities to inculcate sane interaction and respect for the dignity of others in girls, boys and youngsters. The General Assembly of the United Nations established the International Day of Non-Violence in order to foster a culture of peace, tolerance and understanding amongst countries.

<http://www.cndh.org.mx/node/37>

ANTHONY WAYNE VISITED THE CNDH

CGCP/248/11

October 2nd 2011

The national Ombudsman, Raúl Plascencia Villanueva, welcomed the United States' Ambassador to Mexico, Anthony Wayne, with whom he conversed about several topics.

During the meeting, they shared their views on the current status of human rights.

They talked about the

fallbacks as well as the progress which has been made on the subject.

The president of the CNDH mentioned the constitutional reform on human rights approved on June 10th, which places Mexico at the forefront.

The protection awarded to society as a result of the international treaties on the exercising and respect of human rights now being enforced in our country was outlined.

The event took place within the headquarters of the National Commission.

<http://www.cndh.org.mx/node/37>



INATTENTION AT A GUERRERO HOSPITAL

CGCP/249/11

October 5th 2011

The Mexican National Human Rights Commission issued Recommendation 53/2011 in light of the case involving a new born baby which passed away at the Adolfo Prieto General Hospital located in Taxco de Alarcón, Guerrero.

A woman who was 39 weeks pregnant arrived at the cited hospital and was not seen by the doctor assigned to the gynecology ward.

As a result, a female undergraduate intern decided, without permission, to take the patient to the operating theater to extract the child.

The baby girl had a umbilical cord and, as the necessary steps to prevent asphyxia were not taken, she died.

The CNDH therefore decided to ask the government of Guerrero to accept and fully comply with Recommendation 051/2010 issued by the state commission, which knew

the case first-hand and proved violations to the victim's rights to health protection and life

<http://www.cndh.org.mx/node/37>

ENVIRONMENTAL DAMAGE AFFECTS THE POPULATION

CGCP/250/11

October 7th 2011

The Mexican National Human Rights Commission issued Recommendation 54/2011 because the sewage system from the municipality of Jonuta, Tabasco empties into the Usumacinta River, thus damaging the environment and placing the health of the population at risk.

It was confirmed that its

inhabitants' rights to an adequate environment, drinking water, sanitation, legal certainty, legality and health protection were breached.

The Recommendation is addressed to the National Water Commission (CONAGUA), the state government and the local town hall.

The legal analysis of the case allowed this autonomous Commission to confirm that there is no treatment plant for

the responsible processing of the waste generated.

Also, the permits needed to discharge waste into the Usumacinta River, as stipulated by the current ecological regulations, are nonexistent. It is the belief of the CNDH that environmental conservation and protection play an important part in the exercising of human rights of individuals

<http://www.cndh.org.mx/node/37>

CNDH AND CEDHJ WORK TOGETHER

CGCP/251/11

October 7th 2011

The National Human Rights Commission (CNDH) and the State Human Rights Commission of Jalisco (CEDHJ) are working jointly to attend complaints from those who may have been offended by an abuse of federal authority.

The National Commission will be ready to receive the complaints forwarded on to it by the state commission, concerning cases where human rights are violated. It has been decided that a brigade of visitors from the local commission will traverse the entity with such purpose, particularly due to the prevailing concern about the unusual

deployment of police. The joint work will help guarantee the respect for the human rights of the inhabitants of Jalisco.

Both institutions are very much aware of the federal authorities' obligation to adjust their behavior to the legal framework and avoid actions which may harm the population.

<http://www.cndh.org.mx/node/37>

RESPECT FOR LIFE MUST PREVAIL

CGCP/252/11

October 9th 2011

In light of the **International Day against the Death Penalty**, which is commemorated on October 10th, the CNDH considers it to be an unjust and unacceptable punishment, forbidden by Article 22 of our Constitution.

It makes it impossible to correct errors that may

have been made during the judicial process, and its enforcement has been proven to be an ineffective way of preventing crime.

The National Human Rights Commission believes that the most appropriate way of tackling the high rates of impunity, criminality and violence is through strict law enforcement as well as respect for the human rights inscribed within our Constitution

and the international treaties signed by Mexico.

The National Human Rights Commission is monitoring the cases of Mexicans sentenced to death abroad and is ensuring that both them and their relatives receive the consular assistance they are entitled to.

<http://www.cndh.org.mx/node/37>

STRENGTHENING OF OMBUDSMAN NEEDED AROUND THE

CGCP/253/11

October 10th 2011

The International Coordination Committee (ICC), which includes national human rights institutions from nearly 70 countries, has called on the member States to strengthen each of their autonomous agencies, with sufficient funds and a structure which allows for the proper execution of their duties given the increased number of complaints from the offended.

It agreed to join efforts, do more to favor the protection and defense of human rights; intensify public consciousness in order to guarantee the respect for and effective enforcement of the international regulations on the subject.

The meeting, which has begun today in this city, is headed by Doctor Raúl Plascencia Villanueva, as president of the Global Finance Committee of the ICC.

In accordance with the

program, the human rights defenders are analyzing the International Coordination Committee's report for 2011 and are defining the strategic and operational plans for the coming year.

They will also be shown the survey performed by specialists from this same body about the rights of persons with disabilities.

<http://www.cndh.org.mx/node/37>



INTERNATIONAL CRIMINAL COURT AND CNDH MEET

CGCP/254/11

October 1st 2011

The president of the International Criminal Court (ICC), Sang-Hyun Song, acknowledged the positive impact of Mexico's recent constitutional reform on human rights.

Sang-Hyun Song, head of the body which is responsible for judging genocide, as well as crimes against humanity and war crimes, met with Doctor Raúl Plascencia

Villanueva, head of the Mexican National Human Rights Commission.

During the reunion, the national Ombudsman pointed out that the amendments made to the Political Constitution of the United Mexican States turn the individual into the focal point of all government action, but the commitment of the State is needed to fulfill the human rights stipulated by law and international treaties. On the other hand, regarding

the ICC meeting, Raúl Plascencia Villanueva talked about the financial controls of this international body and the advantages of maintaining the information up to date for its members.

In addition, he mentioned the need for performing actions which allow the timely processing of requests from national institutions in order to reinforce the respect for human rights around the world.

<http://www.cndh.org.mx/node/37>



APPROCHEMENT WITH KOREAN COMMISSION

CGCP/255/11

October 12th 2011

The president of the Human Rights Commission of Korea, Byung-Chul Hyun, highlighted the advantage of increasing cooperation with the CNDH to share experiences about the activities performed in each country.

During a meeting with Ombudsman Raúl Plascencia

Villanueva, professor Hyun expressed his interest in signing an agreement with the national Mexican commission.

He stated that even though they belong to different cultures, a commitment with the protection and defense of human rights unites them.

The reunion took place during the Regional Asia-Pacific Conference on Human Rights and Businesses, to which Raúl

Plascencia Villanueva was invited in his capacity as member of the Bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

<http://www.cndh.org.mx/node/37>

TWO RECOMMENDATIONS REJECTED BY THE SECRETARIAT OF PUBLIC SAFETY (SSP)

CGCP/256/11

October 13th 2011

The CNDH announces that the Federal Secretariat of Public Safety has declared it "does not accept" recommendations 46/2011 and 43/2011.

In accordance with the constitutional reform on human rights which came into force

on June 11th, all authorities, to the extent of their abilities, are obliged to promote, respect, protect and guarantee them.

Therefore, the National Commission, as per the terms set out by article 102, second paragraph; section B, of the Political Constitution of the United Mexican States, will consider exercising its authority to request the Senate

of the Republic to summon the head of the aforementioned Secretariat to appear in order for him to explain its rejection.

<http://www.cndh.org.mx/node/37>

RESPECT FOR RIGHTS OF INDIGENOUS PEOPLE A PRIORITY

CGCP/257/11

October 14th 2011

Thanks to the actions it is taking to assist indigenous people, the CNDH has solved one thousand 857 complaints arising from alleged human rights violations and arranged for the release of 218 indigenous individuals so far this year.

Out of this total number of files, the plaintiffs of 708 of them were given legal advice and 590 of them were forwarded onto the appropriate authority.

The human rights violations which were most commonly denounced in the 559 remaining files were: limiting access to education, arbitrary detention, medical inattention and failure to respect

the right of equality between men and women. Furthermore, the CNDH has provided legal advice and performed two thousand 375 activities to encourage the protection and defense of human rights within 54 of the country's prisons where indigenous people are being held.

<http://www.cndh.org.mx/node/37>

SUPPORT NEEDED FOR RURAL WOMEN

CGCP/258/11

October 15th 2011

During the commemoration of the *International Day of Rural Women* on October 15th, the National Human Rights Commission underlines the need to improve their way of life.

According to official figures, there are over 13 million women living in rural areas in our country. They are engaged in productive activities such as agriculture, livestock farming,

logging, fishing and hunting, from which they sometimes receive no salary or benefits.

They also perform several tasks at home such as cooking, caring for the children, older persons and the sick, which hinders their involvement in educational and training programs.

Their situation is worsened with the absence of men, who emigrate to other cities in search of employment, due to the lack of opportunities at home.

Through various aid programs, the National Commission is visiting several areas of the country to distribute educational material and organize workshops where the fairness dictated by the Political Constitution of the United Mexican States and the General Law for Equality between Women and Men are fostered.

<http://www.cndh.org.mx/node/37>

CNDH GOES TO COURT WITH VERACRUZ CASE

CGCP/259/11

October 18th 2011

The National Human Rights Commission filed an unconstitutionality claim with the National Supreme Court of Justice regarding the Penal Code of the state of Veracruz.

It relates to article 373, to which the crime of "breach of the peace" was augmented. It permits

the sanctioning of an individual who "falsely claims, by any means" the presence of explosive devices, attacks involving firearms or chemical, biological or toxic substances which may be harmful and therefore breach the peace.

The CNDH based its unconstitutionality claim on the following criteria: It opposes the rights to legality, legal certainty, precise law enforcement

and freedom of speech afforded by the Political Constitution of the United Mexican States.

The controversial regulation does not define the punishable behavior, given the ambiguity of "falsely claim", and it also lacks the basic principles of clarity, congruousness and precision.

<http://www.cndh.org.mx/node/37>



IMPROVED EFFECTIVENESS AND EFFICIENCY TO BENEFIT SOCIETY

CGCP/260/11

October 19th 2011

The Mexican National Human Rights Commission is improving on efficient spending and accountability in order to become an example on the subject, said its president Raúl Plascencia Villanueva.

In a meeting with members of the Human Rights Commission of the Chamber of Deputies, he answered the legislators'

questions about the budget assigned for 2012.

The consensus was that the CNDH needs more support to perform the new duties assigned to it by the legislative branch itself, such as attending labor issues.

The creation of a Sixth Visitation was therefore authorized. The Ombudsman stated that "the decision is to strengthen the aspects of efficient spending, austerity, transparency

and accountability in order for the National Commission to set an example". In order to cope with the new responsibilities, the budget for the Commission would be increased by 16.2%, said Doctor Raúl Plascencia.

<http://www.cndh.org.mx/node/37>

AGREEMENT SIGNED WITH INAH LABOR UNION

CGCP/261/11

October 20th 2011

The national Ombudsman headed the signing of a collaboration agreement between the CNDH and the National Labor Union of the National Institute of Anthropology and History (INAH).

He pointed out that the constitutional reform on human rights broadens the jurisdiction

of the national Commission in labor related issues.

He did however confirm that the CNDH will not be responsible for solving the controversies between employee and employer; it will address the differences that come to light when the authority performs its duties inadequately. In this regard, it will monitor the inspection, safety, hygiene and surveillance work to be carried out in all workplaces.

The agreement will allow for the realization of training and labor rights dissemination activities with INAH staff.



<http://www.cndh.org.mx/node/37>

FOSTERING THE DENOUNCEMENT OF BULLYING

CGCP/262/11

October 21st 2011

Given the rise of the phenomenon of maltreatment and school harassment called bullying, the National Human Rights Commission is executing a program through which it encourages the culture of denouncement with the aim of tackling this antisocial behavior.

These actions have been spreading in the last decades and are severely harmful to Mexican children; they affect 40% of the elementary and secondary school students in public and private institutions throughout the country.

They range from physical, psychological or emotional violence to sexual harassment, negligence of the authorities and cybernetic violence.

The National Commission is therefore boosting collaboration amongst institutions and families in order to find a way of preventing bullying and keeping those children from being victimized.

It calls on society to denounce these events and is ready to receive complaints and provide guidance for parents and teachers.

<http://www.cndh.org.mx/node/37>

FOSTERING RESPECT FOR PERSONS WITH DISABILITIES

CGCP/263/11

October 22nd 2011

The National Human Rights Commission finds it necessary to combat the stigmas and beliefs which make these persons seem unfit or sick, thus increasing the alienation of this vulnerable group.

The CNDH received a total of 116 complaints because of alleged violations to their fundamental rights from January through to October 17th 2011.

Persons with disabilities have to cope with unrighteous behavior from civil servants who refuse to assist them in the way they are obliged to do so. They also complain about reluctance to give them social security benefits.

The Commission has reinforced cooperative ties with authorities, civil society and nongovernmental organizations in an effort to bring down the physical and social barriers which prevent them from leading

a productive life. As part of this task, it has created audiovisual material to disseminate the human rights of persons with disabilities.

<http://www.cndh.org.mx/node/37>

ACKNOWLEDGING THE EXPERIENCE OF OLDER PERSONS

CGCP/264/11

October 23rd 2011

It is essential to propagate a culture of respect which acknowledges and benefits from the experience of older persons, a population sector made up of more than 10 million people in our country.

According to official figures, 40.3 percent of older persons feel their worst problems are financial,

whilst 37.3 percent claim it is difficult for them to gain access to health services and medicines. In order to prevent situations which place their dignity at risk, the CNDH is holding educational and informative activities through the National Program for the Promotion and Dissemination of the Human Rights of Older Persons.

It also offers family, legal and psychological guidance every day of the year

by way of the Support Network for Girls, Boys and Older Persons whose Human Rights have been Violated.

It has also signed collaboration agreements with public institutions and civil organizations to come up with strategies which allow them to lead violence-free lives.

<http://www.cndh.org.mx/node/37>

AGREEMENT SIGNED WITH OLDER PERSONS

CGCP/265/11

October 24th 2011

Mexicans who have dedicated the better part of their lives to this country require worthy conditions, quality services and warmth.

During the signing of an agreement with the National Network of Senior, Retired and Pensioned Citizens' Organizations, A.C., the president of the

National Human Rights Commission, Raúl Plascencia Villanueva, said that public policies must focus on these kinds of causes and that commitments made with this population sector must become a reality and not remain merely as speeches.

Thus, he called for awareness in order to improve the quality of their retirement and healthcare. He pointed out his previous

meeting with legislators to join efforts in favor of those who need a pension to live worthy lives.

The national Ombudsman mentioned that the CNDH is performing a variety of actions aimed at protecting the human rights of older persons over 60, who in Mexico add up to more than 10 million.

<http://www.cndh.org.mx/node/37>



CNDH CLAIM ADMITTED BY THE COURT

CGCP/266/11

October 24th 2011

The unconstitutionality claim filed by the National Human Rights Commission regarding article 373 of the Veracruz Penal Code, which created the crime of “breach of the peace”, was admitted by the National Supreme Court of Justice.

The CNDH considers that this article opposes the rights to legality, legal certainty,

precise penal law enforcement and freedom of speech afforded by the Political Constitution of the United Mexican States and several international treaties signed by our country.

Such precept permits the sanctioning of an individual who “falsely claims, by any means” the presence of explosive devices, attacks involving firearms or chemical, biological or toxic substances which may be harmful and therefore breach the peace.

The National Commission be-

lieves that the controversial regulation does not define the punishable behavior, given the ambiguity of “falsely claim”. The national Commission ratifies its commitment to firmly defend society’s right to express itself freely and explicitly confirms its respect for the resolutions passed by the National Supreme Court of Justice.

<http://www.cndh.org.mx/node/37>

DISCRIMINATION OF PERSONS WITH DISABILITIES IS UNACCEPTABLE

CGCP/267/11

October 25th 2011

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, said there is no reason for persons with disabilities to face labor, educational or healthcare impediments which keep them from having equal opportunities.

He believes it is necessary to raise awareness amongst social sectors, beginning with the public administration, in order to address and fulfill the demands of this vulnerable group.

Whilst taking part in the *First National Seminar on Human Rights and Persons with Disabilities*, the national Ombudsman announced that situations which harm these Mexicans still prevail.

He also mentioned that the right to health must be fulfilled as stipulated by law: high quality medical aid, administered caringly and without discrimination.

On access to employment, he mentioned it is necessary to broaden work spaces, particularly within the public sector at

municipal, state and federal levels.

During the event, the Ombudsman led the singing of an agreement between the CNDH and the Mexican Confederation of Organizations in Favor of Persons with Intellectual Disabilities A.C. (CONFE), the Association in Favor of Individuals with Cerebral Palsy A.C. (APAC) and Free Access A.C.



<http://www.cndh.org.mx/node/37>

WE ARE OBLIGED TO ENFORCE THE RIGHTS OF VICTIMS

CGCP/268/11

October 26th 2011

The situation experienced by crime victims requires that all institutions of the Mexican State promptly meet their social needs and demands, said the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva.

“Enforcing the rights of victims has been part of a stale claim within Mexican society”.

Whilst signing a collaboration agreement with the Federal Public Defender, the national Ombudsman maintained that offenses against victims must be resolved as soon as they arise, “because impunity is unjustifiable in a country with democratic aspirations”.

He argued that it is the duty of civil servants to assist and support them; not become their worst enemies, as is sometimes the case.

He pointed out that within the Mexican National Human Rights Commission there is a strong conviction that all civil servants are meant to serve society and, particularly, assist those who have been victims of crime.



<http://www.cndh.org.mx/node/37>

PROFESSIONAL ASSISTANCE FOR PERSONS WITH DISABILITIES

CGCP/269/11

October 27th 2011

The president of the National Human Rights Commission, Raúl Plascencia Villanueva expressed that civil society, authorities and non-governmental organizations must work together to assist persons with disabilities, which is one of the most sensitive subjects within our country.

Whilst acting as honorary witness during the signing of a collaboration agreement between the National Network for the Prevention of Disabilities (Renapred) and the Santa Catarina University, he enunciated that the National Commission finds it essential to join efforts and revitalize collaboration ties.

He deemed it necessary to train specialized techni-

cians to look after this population sector.

The agreement signed will enable the joint actions needed to impart the Higher Technical Degree on the Inclusion of Persons with Disabilities, as well as the Graduate Course on Preventing Disability at Birth, with course credit value.

<http://www.cndh.org.mx/node/37>

ALLIED IN FAVOR OF HUMAN RIGHTS

CGCP/270/11

October 28th 2011

Let us work toward strengthening institutions in order for each to better perform its duties, said Raúl Plascencia Villanueva, president of the CNDH, whilst signing a General Collaboration Agreement with the government of the State of Mexico and the Human Rights Commission of such state.

He aired the need to join efforts to keep the Culture of Legality from enduring as a mere ideal, to develop a strategy which broadens training methods and to emphasize on the rights and duties of all.

The major challenge, said the National Ombudsman, is respecting dignity and guaranteeing the balanced development of the people.

Thus, he considered the coordination between governments, civil society organizations and society at large to be essential.

The collaboration agreement will foster projects and programs related to academic research, training, dissemination and promotion on the subject.

<http://www.cndh.org.mx/node/37>



SAN MIGUEL DE ALLENDE CASE UNDER INVESTIGATION

CGCP/271/11

October 29th 2011

The National Human Rights Commission initiated a complaint to investigate the case of a residential compound being built within the municipality of San Miguel de Allende, Guanajuato.

According to the locals,

that land is considered to be a nature reserve and archeological site, with the authorities issuing construction permits in spite of this.

Moreover, they are asking that such area is declared a national cultural heritage site. CNDH staff has begun taking the necessary steps to gather data and testimonials on the matter.

Once the complaint file has been assembled and analyzed, it will issue the lawfully required resolution.

<http://www.cndh.org.mx/node/37>

CNDH ESCORTS CARAVAN

CGCP/272/11

October 31ST 2011

The National Human Rights Commission is escorting the caravan integrated by relatives of missing migrants, which is mostly made up of Central American mothers from Honduras, Nicaragua and El Salvador.

Staff from the regional offices and headquarters of the CNDH will accompany them during

their entire journey through Mexican territory.

There will be constant communication with authorities from all three levels of government with the aim of implementing measures which ensure the safety of the protesters.

The Caravan's purpose is to get authorities to do more to locate those who have gone missing during their journey to our northern neighbor.

Last June, the constitutional reform which states that all individuals shall benefit from the human rights afforded by Mexican laws and the international treaties ratified by Mexico was enacted.

This means that all authorities, in accordance with their jurisdiction, are obliged to promote, respect, protect and guarantee the fundamental rights.

<http://www.cndh.org.mx/node/37>

RECOMMENDATIONS

RECOMMENDATION 54/2011

MATTER: About the case of wastewater discharge from the sewage system of the municipality of Jonuta, Tabasco into the Usumacinta river and the pollution of the area

AUTHORITIES RESPONSIBLE: Director General of the National Water Commission, Constitutional Governor of the state of Tabasco, members of the H. Town Hall of Jonuta, Tabasco

October 4th 2011

The Mexican National Human Rights Commission examined the elements and evidence contained within file CNDH/2/2010/3435/Q, regarding the case of wastewater being discharged into the Usumacinta River along the stretch located within the municipality of Jonuta, Tabasco. On the date of issuance of this recommendation and by reviewing the information provided by the National Water Commission and the Water and Sanitary Commission of the State of Tabasco, which is the authority responsible for supplying drinking water, sewage, drain-

age, treatment and disposal of wastewater in the municipality of Jonuta, it was proven that the wastewater discharges originating from the sewage system of such Municipality that are emptied into the Usumacinta river are done without prior treatment and without the necessary discharge permit, since there is no water treatment plant there.

By law, the discharge permit must be obtained from the National Water Commission. However, to this day, the Water and Sanitary Commission of the State of Tabasco has not requested it.

On the other hand, the National Water Commission has not performed inspections or surveillance to determine the existence or inexistence of pollution in the Usumacinta River along the stretch which traverses the municipality of Jonuta.

It is therefore impossible to determine both the number of illegal discharges which occur in the municipality and the quality of the water in the area.

From the analysis performed on the entirety of the evidence it was confirmed that, in this case, the National Water Commission, the Water and Sanitary Commission of the State of Tabasco and the Town Hall of Jonuta have violated the human rights to an adequate environment, drinking water and sanitation, public safety, legality and health protection to the detriment of the inhabitants of the municipality of Jonuta and the surrounding area due to behavior resulting in environmental damage.

It has therefore issued Recommendation 54/2011.



<http://www.cndh.org.mx/node/32>

RECOMMENDATION 55/2011

MATTER: About the case of arbitrary detention, illegal retention and death to the detriment of V1 in San Andrés Tuxtla, Veracruz

AUTHORITY RESPONSIBLE: Secretary of National Defense

October 12th 2011

The Mexican National Human Rights Commission examined the elements and evidence contained within file CNDH/2/2010/6650/Q, relating to the case of illegal detention and retention and death of V1 in the municipality of San Andrés Tuxtla, Veracruz.

The written complaint submitted by Q1 was received by the National Commission via fax on November 26th 2010. It detailed how, on the 24th day of the cited month and year, V1 left his house in the municipality of San Andrés Tuxtla, Veracruz; on this same day a call from T4 was received at the Headquarters of the Municipal Police of the Town Hall of San Andrés Tuxtla, who said that an individual claiming to be a member of the armed forces showed up at his

house to question him about his son SP9, who had gone missing.

In light of this SP5, SP6 and SP7 went to such location to meet with the individual in question, who identified himself as V1.

It was then that a group of military personnel arrived on two military vehicles from the 1st Infantry Battalion of San Andrés Tuxtla and loaded V1 into one of the vehicles to take him to the military facilities at military compound N° 29-D in San Andrés Tuxtla.

He has kept there for approximately three hours, during which he was beaten in such a way that he was taken to the “Dr. Bernardo Peña” General Hospital by army personnel at around 23:00 hours.

He was seen by SP1, who noticed that the victim showed no vital signs and notified the soldiers who, without identifying themselves or giving further details, left the hospital and abandoned the body of V1. This proves violations to the human

rights to public safety, freedom, personal integrity and safety, humane treatment and life to the detriment of V1.

This was due to actions consisting in arbitrary detention, illegal retention, failure to provide protection and assistance, arbitrary use of public force and death, accredited to AR1, AR2 and AR3, members of the 1st Infantry Battalion of the 29th Military District in Minatitlán, Veracruz. As a result, the National Commission issued Recommendation 55/2011.

<http://www.cndh.org.mx/node/32>

RECOMMENDATION 56/2011

MATTER: About the failure to supply free updated elementary school Braille text books for children with visual impediments

AUTHORITY RESPONSIBLE:
Public Education Secretary

October 25th 2011

The Mexican National Human Rights Commission examined the elements and evidence contained within file CNDH/2/2011/8342/Q, relating to the case of the failure to provide free text books to teach elementary school children with visual impediments, to the detriment of child V1.

The complaint submitted by Q1 was received at the Mexican National Human Rights Commission on August 24th 2011.

It stated that his 11 year old son, V1, has a visual impediment and is currently in sixth grade at private school CE1.

He mentions that he has had problems with the Secretariat of Public Education for many years as it has been inconsistent in delivering free text books, which need to be edited using the Braille system due to the special needs of the child.

In 2007, 2009 and 2010, V1 did not receive his free Braille text books, or the ones he received were not up to date, thus causing them to be different from the standard books handed out to all of the other students in the same grade.

This year, V1 has begun sixth grade and has yet to receive his Braille text books. Since the circumstance of V1 may affect

the rights of other children living with visual impediments, the Mexican National Human Rights Commission confirmed violations of the rights to education and equality to the detriment of all elementary school children with visual impediments.

This is the result of a failure to provide the adequate material needed to teach and leads to a discriminatory circumstance which does not respect the rights of persons with visual impediments.

This is attributable to Secretariat of Public Education staff, leading the Commission to issue Recommendation 56/2011.

<http://www.cndh.org.mx/node/32>

RECOMMENDATION 57/2011

MATTER: About the case of inadequate medical attention at the IMSS Rural Medical Clinic of San Nicolás del Obispo, in the state of Michoacán, to the detriment of V4 and minors V1, V2 and V3

AUTHORITY RESPONSIBLE:
Director General of the Mexican Social Security Institute

October 26th 2011

The National Human Rights Commission examined the elements and evidence contained within file CNDH/1/2011/5775/Q, relating to the case of V1, V2, V3 and V4.

On June 7th 2011, AR1, medical assistant assigned to the Rural Medical Clinic of the Mexican Social Security Institute (IMSS) in San Nicolás Obispo, municipality of Morelia, Michoacán, set up a vaccination module out of his own accord, with the aim of administering pentavalent and hepatitis B vaccines.

According to Q1, Q2 and Q3, the mothers of V1, V2 and V3, who were 5 and 6 months old respectively, noticed that their children showed a variety of symptoms including: weeping, sweating and fainting only hours after they had allegedly been vaccinated.

Because of this, they took them to the "Eva Sámano de López Mateos" Children's Hospital in Morelia pertaining to the state Secretariat of Public Health, where medical personnel diagnosed the three victims with hypoglycemia.

They noted that such condition damaged the nervous system of V1, damaged the lungs and swelled the brain of V2 and brought seizures upon V3.

Amidst these conditions, a series of studies were performed on V1 on June 20th 2011, which showed that her optic and acoustic nerves had been dam-

aged or, in other words, that she was rendered blind and deaf. V2, on the other hand, would require lifelong medical aid and rehabilitation due to the severe brain damage suffered. Lastly, on July 6th 2011, Q3, mother of V3, told staff of the National Commission that her son had died the day before.

The National Commission gathered sufficient proof to confirm violations to the right to health to the detriment of V1, V2, V3 and V4 and to the right to life to the detriment of V3. This was attributed to AR1; medical assistant assigned to the Rural Medical Clinic of the Mexican Social Security Institute (IMSS) in San Nicolás Obispo, municipality of Morelia, Michoacán and led the Commission to issue Recommendation 57/2011.

<http://www.cndh.org.mx/node/32>

RECOMMENDATION 58/2011

MATTER: About the case of inadequate medical attention to the detriment of minor V1

AUTHORITIES RESPONSIBLE: Director General of the Mexican Social Security Institute, Constitutional Governor of the State of Sonora

October 27th 2011

The National Human Rights Commission examined the elements and evidence contained within file CNDH/1/2010/4386/Q, relating to the case of 16 year old minor V1, who developed a severe stomach pain which made it difficult for her to walk.

She therefore went with her mother, Q1, to the emergency room of the Health Services Medical Clinic in the village of Miguel Aleman, pertaining to the Secretariat of Public Health of the State of Sonora.

They were received by AR1, who instructed Q1 to buy some keterolac vials, which the aforementioned doctor administered to the victim.

However, once they left the Health Services Medical Clinic in the village of Miguel Aleman, V1 could not continue to walk due to the pain.

As a result, Q1 and V1 went to the Sub-Regional General Hospital with Family Medicine N°. 6 in Hermosillo, Sonora, pertaining to the Mexican Social Security Institute (IMSS).

Once there, she was attended by AR2, a doctor assigned to the emergency room who gave them a document for her to be seen by a Psychiatrist, after which they went home with V1 throwing up and suffering from stomach pains during the night.

On July 14th 2010, V1 was taken to the Secretariat of Public Health of the State Sonora's "Cruz del Norte" Psychiatric Hospital where a specialist told them that her daughter did not present a psychiatric condition.

V1 fainted when leaving the hospital and was taken by ambulance to the "Dr. Ernesto Ramos Bours" General Hospital in Hermosillo, Sonora, where medical staff who examined her pointed out that she was in a fragile state.

At last, on that same day V1 passed away, with her death certificate showing acute respiratory failure as cause of death.

The national commission was able to gather suffi-

cient evidence to prove violations to the right to life and health protection to the detriment of V1, attributable to civil servants assigned to both the Health Services Medical Clinic in the village of Miguel Aleman pertaining to the state Secretariat of Public Health and the Sub-Regional General Hospital with Family Medicine N°.6 pertaining to the IMSS, respectively, both located within the state of Sonora.

It is because of this that the commission issued Recommendation 58/2011.

<http://www.cndh.org.mx/node/32>

RECOMMENDATION 59/2011

MATTER: About the case of the death of V1 and V2 in Jalpa de Méndez, Tabasco

AUTHORITIES RESPONSIBLE:

Secretary of National Defense, Secretary of the Navy, Secretary of Public Safety and Constitutional Governor of the State of Tabasco

October 28th 2011

The National Human Rights Commission examined the elements and evidence contained within file CNDH/2/2010/6213/Q and noticed that V1 and V2 died on November 14th 2010 between 00:30 and 01:00 on the intersection between the Ring Road and the avenue which leads to the bus depot in the municipal-

ity of Jalpa de Méndez, Tabasco.

Their death was due to events involving personnel from the 57th Infantry Battalion of the Mexican Army stationed in Cárdenas, Tabasco; the 11th Infantry Battalion of the Navy; the Secretariat of Public Safety of the state of Tabasco and the District Attorney's Office of the state.

These men violated the human rights to life, legality, legal certainty, access to justice, access to information and honor to the detriment of V1 and V2 and their relatives.

This was caused by actions resulting in loss of life, arbitrary use of public force, crime scene

manipulation, improper conservation of criminal evidence and improper attribution of facts to the detriment of V1 and V2.

Thus, the commission issued Recommendation 59/2011.

<http://www.cndh.org.mx/node/32>

RECOMMENDATION 60/2011

MATTER: The case of Journalists V1, V2, V3 and V4

RESPONSIBLE AUTHORITY:

Secretary of National Defense

October 31, 2011

The National Human Rights Commission (CNDH) has examined the evidence contained within complaint file CNDH/5/2010/3897/Q, which records that on July 13, 2010, when V1, V2, V3 and V4, were developing their work as reporters and cameramen, while covering a mobilization of the Mexican Army were attacked by members of the Secretariat of National Defense, who caused injuries to V2, in addition to damaging his equipment of work.

Because of these facts, V1, V2 and V3 filed a complaint

at the Attorney General's Office, instance in which the preliminary investigation 1 began, which, on January 10, 2011 was sent to military jurisdiction.

On July 14, 2010, the Military Prosecutor's Office opened the preliminary investigation 2, which was added to the preliminary investigation 1, which lies in integration.

From the analysis performed by CNDH on the evidence contained within complaint file, it was determined that the human rights to legality, legal certainty, freedom of expression and information as well as the right to work, were violated to the detriment of V1, V2, V3, and V4, also, to dignified treatment, personal safety and integrity in detriment of V1, V2 and V3, by public servants

of the Secretariat of National Defense. In response to these events, the CNDH issued Recommendation 60/2011.

<http://www.cndh.org.mx/node/32>

Article of the month

The UN and Human Rights

Andrés Oppenheimer

When I interviewed United Nations Secretary General Ban Ki Moon last week, I was anxious to know what he had to say about the criticism from the United States congress claiming that the UN has been co-opted by totalitarian governments.

Hours earlier, on October 14th, the Committee on Foreign Affairs of the House of Representatives, controlled by republicans and chaired by congresswoman Ileana Ros-Lehtinen (R-Miami), had approved a bill of law which, if it were to be passed, would make United States funding of the UN optional and conditioned by the behavior of the UN's agen-

cies on key topics such as human rights and disarmament.

Some of the most outrageous examples of recent decisions made by the UN cited by the sponsors of the project were:

- At the beginning of the year, North Korea, who systematically violates the resolutions of the UN Security Council on nuclear weapons, was elected president of the UN Conference on Disarmament.

- In November 2010, Saudi Arabia, a country which forbids women to drive automobiles, was elected to become a member of the executive board of UN Women, the UN agency in charge of eradicating discrimination against women.

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Read more: <http://www.elnuevoherald.com/2011/10/15/v-fullstory/1045327/andres-oppenheimer-la-onu-y-los.html#ixzz1bAqUB4yF>

<http://www.elnuevoherald.com/2011/10/15/v-fullstory/1045327/andres-oppenheimer-la-onu-y-los.html>

Book of the month

THE UNITED NATIONS TODAY (LAS NACIONES UNIDAS HOY)

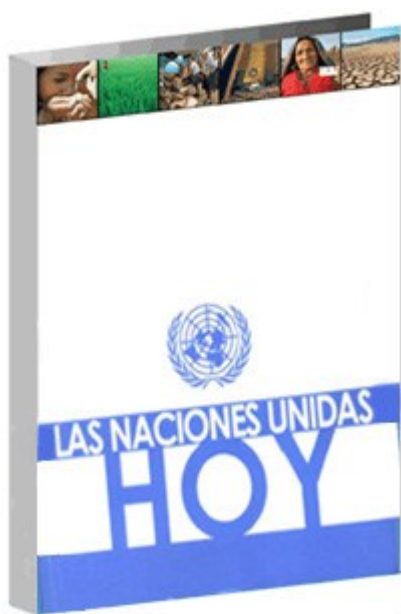
Author: United Nations,
Department of Public Infor-
mation

The United Nations Today, a book previously titled "Basic Facts about the United Nations", details the many ways in which the Organization affects the lives of people around the world. It enumerates the work carried out by the Organization on subjects such as peace, development, human rights, humanitarian aid, disarmament and international law.

By describing the activities performed by the organizations which make up the United Nations system, The United Nations Today provides in depth knowledge about the wide range of challenges faced by the international community and the joint efforts currently underway to solve them. (Also available in Spanish and French)

<https://unp.un.org/bookshop/details.aspx?sku=9789213002124>

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