



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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## The Voice of the President

### Indigenous people, a pending debt

February 14<sup>th</sup>, 2012

Whenever making reference to the indigenous peoples and communities in our country, we are compelled to remember our origins, as well as the necessity of providing full recognition to their rights, practices, and traditions.

It is, indeed, a painful subject given the ancient debt to this sector of society who suffers from discrimination, marginalization, poverty, illiteracy and lack of medical attention.

The indigenous population is made up of a little bit more than 15.7 million people, out of which 8.1 million are women who suffer abuses and violence, both at home and outside.

In even graver conditions are the children, who fall behind in several areas and constitute one of the most vulnerable groups, being the least attended in their demands.

During the 20<sup>th</sup> century,

there were important legislative progresses on this matter that sought to protect in



a better way the rights of the indigenous communities.

Such is the case of the prohibition of any discrimination based on ethnic or national origin, as well as the State's commitment to promote equal opportunities and eliminate any discriminatory practice. This coincides with the principles adopted at the international level in the framework of the ILO Indigenous and Tribal Peoples Convention (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007), both documents that emphasize the respect of human rights.

However, and notwithstanding

ing the important efforts made at the legislative level, it is possible to affirm that there are still countless issues falling behind, and that hardly will be overcome through legal reforms alone.

It is required a true commitment by all levels of government in order to provide an integral development based on strategies jointly designed and implemented. On the contrary, we will continue to see problematic situations such as the ones present in the tarahumara or raramuri regions, where their inhabitants lack water and food, putting their lives at risk.

Another problematic issue is the loosing of ceremonial venues, threatened by economic interests based on the exploitation of mines, where their traditions and culture are not taken into consideration.

This article can be accessed through:  
[http://www.eluniversalmexico.com.mx/  
editoriales/2012/02/57081.php](http://www.eluniversalmexico.com.mx/editoriales/2012/02/57081.php)

## Event of the month

### Signing of collaboration agreement between the CNDH and the ILO



## **POVERTY AND MARGINALIZATION CAUSE HUMAN TRAFFICKING**

**CGCP/026/12**

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

The CNDH identifies poverty, marginalization, unemployment, ignorance, family disintegration, domestic violence, inequality and addictions as main causes of human trafficking in Mexico.

According to international data, 2.5 million people around the world are captured every year for this purpose; in our country, 16 thousand children are enslaved for sexual

exploitation purposes. The Palermo Protocol and the Law to Prevent and Punish Human Trafficking are two of the main legal mechanisms available to our country to confront this situation.

They both demand the implementation of public policies to reduce victims' vulnerability.

Therefore, it is necessary to promote social and economic initiatives to mitigate factors as poverty, marginalization and lack of opportunities.

This national Organism calls upon all authorities to redouble their efforts in order to promote employment and education progress so as to be able to beaten the conditions of vulnerability and to strengthen joint actions to combat this crime.

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

## **FAVORING THE PROTECTION OF MIGRANTS**

**CGCP/027/12**

*February 2<sup>nd</sup>, 2012*

In order to reduce the current index of human rights violations to migrants in transit through the country or in an irregular migratory situation, the National Human Rights Commission carries out a permanent campaign of training for key actors in this issue, such as personnel of the

National Migration Institute, local and federal police, in the governments of Chiapas, Coahuila, Mexico City, Durango, Estate of Mexico, Hidalgo, Oaxaca, Tabasco, Veracruz, and Zacatecas, among others.

The collaboration with the INM has been particularly close, in order to train the Regional Offices in every state, providing

knowledge on human rights, migrants, and migrants as victims of crime to their staff. This training seeks to facilitate tools on the constitutional reform on human rights, as well as the Migration Law, and Refugee and Complementary Protection Law, aiming at the consolidation of a culture of legality and respect.

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

## **PRESENTATION OF ACTIVITY REPORT TO THE EXECUTIVE BRANCH**

**CGCP/028/12**

*February 3<sup>rd</sup>, 2012*

Raúl Plascencia-Villanueva, president of the CNDH, presented the Annual Activity Report corresponding to 2011 to the president Felipe Calderón Hinojosa.

He declared that given the current situation in terms of public security, the number of complaints against public servants of the three levels of government raised considerably.

The national Ombudsman informed that 95 recommendations were issued last year, addressed to diverse authorities; the ones that did not accept such recommendations were: the Public Security Secretariat, the Health Secretariat, the National Water Commission; the governor of the state of Chihuahua, the municipalities of Benito Juárez, Quintana Roo; Chilpancingo and Metlatónoc, Guerrero and the local congress of that state.

Plascencia Villanueva handled a volume of 1376 pages to the President of Mexico and affirmed that the work of the National Commission has been developed in an environment of freedom and respect to its constitutional autonomy.

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



## CNDH ASSISTS HUMAN RIGHTS DEFENDER

**CGCP/029/12**

*February 3<sup>rd</sup>, 2012*

After the attack to the activist from Chihuahua, Norma Andrade, of the organization “*Nuestras Hijas de Regreso a Casa*”, the President of the National Human Rights Commission, Raúl Plascencia Villanueva, ordered to obtain the complaint for these new events and to provide the necessary assistance for her and her relatives.

Therefore, Deputy Visitors went to the hospital where Ms. Norma Andrade was been treated. Preventive measures have been requested to the Government Secretariat, in order to guarantee the victim's integrity and security, and prevent a new attack.

On December 2, last year, the CNDH asked the government of Chihuahua to establish preventive measures to protect Ms. Andrade's security, after having survived

to a firearm attack in Ciudad Juárez.

The National Commission makes an appeal to eradicate impunity and implement firm actions that guarantee security conditions to avoid that the work of this group of people is not threaten.

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

## ACTIONS TO PREVENT TORTURE

**CGCP/030/12**

*February 4<sup>th</sup>, 2012*

Raúl Plascencia Villanueva, President of the CNDH, held a meeting with Víctor Rodríguez Rescia, member of the Subcommittee on Prevention of Torture of the UN.

The meeting took place

as part of the joint activities of promotion and strengthening carried out by such Subcommittee and the National Preventive Mechanism.

Since 2007, year when the CNDH started to serve as MPN, until December, 2011, there have been 936 visits to prisons and detention centers, both for adults and for youth.

In the opinion of this national Organism, the implementation of joint actions to confront torture and strengthen the culture of respect to human rights among society must be a commitment shared by everyone.



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

## PROMOTING TOLERANCE AMONG STUDENTS

**CGCP/031/12**

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

The CNDH considers that in order to combat bullying in schools it is necessary to eliminate discriminative attitudes that prevail in the education community.

Gender, physical appearance, the way of dressing or speaking, sexual preference, place

of origin and religion might originate offensive attitudes among students and professors.

Given this situation, the National Human Rights Commission has implemented strategies that seek to promote tolerance in schools.

Also, this national Organism also highlights the necessity to promote a culture of gender

equality, acceptance of diversity and pacific resolution of conflicts at schools and at homes.

The education of our new citizens based on the respect to law and human rights will result in a safer and more collaborative society.

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

## IT IS FUNDAMENTAL TO JOIN EFFORTS

**CGCP/032/12**

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

During the presentation of the Annual Activity Report of the Human Rights Commission of Chihuahua, Raúl Plascencia Villanueva, President of the CNDH, affirmed that joint efforts between public institutions and society reflect the interest of providing benefits to the people every time.

He declared that informing about our activities is a

constitutional duty that favors the construction of a culture of legality.

He also acknowledged the labor of the state commission and pointed out that Chihuahua is the first state to provide a list of death and disappeared people since 2007, as part of a national register.

The inclusion of the study and training in human rights will also contribute to the consolidation of a culture of respect.

Therefore, he signed two collaboration agreements with the government of Chihuahua, the Autonomous University of Chihuahua and the state human rights commission.

He affirmed that education is the best tool to prevent human rights violations and power abuses, and that in order to carry out this task the coordination and collaboration among all society groups is necessary.

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



## MORE THAN 83 THOUSAND SERVICES IN REGIONAL OFFICES

**CGCP/033/12**

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

In order to provide a broader attention to victims of crime and power abuse, since last year the National Human Rights Commission has worked with 15 regional offices, located in different states of the country.

Not only is attention to migrants provided in these offices, but also to the society in general in matters that correspond to the CNDH.

Besides the reception of complaints, the services provided include legal orientation, explanation of processes and transfer of matters to the corresponding institution so that the person affected received the correct assistance.

The regional offices are located in Coatzacoalcas, Veracruz; San Cristóbal de las Casas, Chiapas; Tijuana, Baja California; Ixtepec, Oaxaca; San Luis Potosí, SLP; Reynosa, Tamaulipas; Villahermosa,

Tabasco; Tapachula, Chiapas; Ciudad Juárez, Chihuahua; Nogales, Sonora; Aguascalientes, Ags.; Mérida, Yucatán; Acapulco, Guerrero; La Paz, Baja California Sur, y Torreón, Coahuila.

Information can be requested to the numbers 5681 8125, 5490 7400 and 01800 715 2000; and through [correo@cndh.org.mx](mailto:correo@cndh.org.mx).

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

## STRENGTHENING THE RESPECT TO HUMAN RIGHTS

**CGCP/034/12**

*February 10<sup>th</sup>, 2012*

The CNDH considers that public institutions have the responsibility of joining efforts in order to promote the protection of human rights.

Providing to all the personnel that undertakes this task all the necessary tools to carry it out correctly and according to the law will allow to progress in the consolidation of a democratic State.

The National Commission has developed, in collaboration with diverse institutions, actions that seek to prevent offenses by public servants across the country. Several training activities in educative institutions and to the civil society have taken place and benefited 261,821 people.

As a result of the collaboration agreements signed with the armed forces, this National organism has organized courses and seminars for 30,108 of their

members. A distances training course took place via EDUSAT addressed to military personnel in order to prevent the main human rights violations in Mexico.

The constitutional reform in human rights highlights the duty of all public servants to adjust their work according to the law and avoid behaviors that could hurt the population.

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



## MORE THAN 2 MILLION VISITS TO THE CNDH WEBSITE

**CGCP/035/12**

*February 12<sup>nd</sup>, 2012*

The National Human Rights Commission website registered a significant increase in the number of hits.

During 2011 there were a total of 2,645,609 visits, almost one million more than during 2010.

This website contains the history, structure and functions of the CNDH, as well as the recommendations it issues, programs, publications and press releases.

It also has a tool that allows translation of the contents to more than 30 languages. In this way, the CNDH reinforces its objective of providing reliable

general, national and international information.

The closeness to society is paramount to the National Human Rights Commission, which explains its constant work in terms of publicizing human rights.



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

## TO ERRADICATE ABUSES AGAINST CIVIL DEFENDERS

**CGCP/036/12**

*February 13<sup>th</sup>, 2012*

According to the 2011 Activity Report, the CNDH received 59 complaints on aggressions against human rights defenders, whose labor is fundamental to consolidate a culture of legality.

Violations to the rights to life, integrity, security, reunion, transit, due process, property and freedom of expression were documented against their regular work.

Also, with the aim of preventing situations that hurt their physical or psychological health, or those of their families, during this year, this National Organism requested the implementation of preventive measures in 16 cases.

In the case of human rights defenders, the CNDH has followed up each of the complaints, gathering the necessary information with the corresponding authorities, holding interviews with the affected ones and verifying the correct integration of the files.

The CNDH manifests its disposition to join the initiatives that seek to protect and guarantee the activities of human rights defenders.

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

## MEN INTERESTED IN GENDER EQUALITY

**CGCP/037/12**

*February 14<sup>th</sup>, 2012*

42.35% percent of people that received training in gender equality from the CNDH during 2011 were men.

Through the program of Women Matters and Equality between Men and Women, this National Organism held 223 training activities addressed to a total of 9,791, of which 5,644 were women and 4,147 were men.

From the total of 638 complaints received by the CNDH during 2011 in terms of equality

rights violations, in 133 of the cases (20.84%) the victims were men.

The CNDH considers that promotion actions of women's rights, as well as of equality between men and women are a pending issue in the public policy of the country. 26 states already have local legislation for gender equality, and 6 more are still missing the specific regulations.

Besides the respective law, 11 states have a State Equality System: Chiapas, Mexico City, State of Mexico, Hidalgo, Jalisco, Puebla, San Luis Potosí,

Sinaloa, Sonora, Veracruz and Zacatecas.

According to official data, 57.5 million people of the 112 million inhabitants of Mexico are women, which correspond to a ratio of 100 women for every 95 men.

The CNDH considers that all public institutions shall include gender equality as a guiding principle to their activities, in order to guarantee the full development of women at every level.

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



## **POLICEMEN ATTACK DETAINEES IN NAYARIT**

**CGCP/038/12**

*February 15<sup>th</sup>, 2012*

The National Human Rights Commission issued Recommendation 04/2012 in the case of two persons that were attacked by local policemen in Santiago Ixcuintla, Nayarit.

After analyzing the evidence of the file presented by the victims, this national Organism confirmed viola-

tions to the human rights to integrity and personal security, liberty, legality and legal security against the victims.

The recommendation requests the board of the XXX Legislature of the Nayarit Congress to issue the corresponding indications to start the necessary inquiries in order to establish responsibilities of public servants by not providing the information requested by the CNDH on this case.

Also, it requests for the corresponding inquiry so as to establish responsibilities for not accepting Recommendation 15/2009 issued by the Human Rights Commission of Nayarit.

CNDH Recommendation 04/2012 can be accessed through [www.cndh.org.mx](http://www.cndh.org.mx)

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

## **CNDH INCREASES ITS SERVICES**

**CGCP/039/12**

*February 17<sup>th</sup>, 2012*

In 2011, services provided by the CNDH totaled 119,548 around the country and were resolved in a quick, efficient and precise manner.

They include legal orientation, both personal and by telephone; assistance to present complaints; transferring of the case to the corresponding authorities if the CNDH is not

competent in the matter; act that derives in a immediate solution or in a complaint; revision of resolutions when a recommendation issued by a local commission is not accepted by the authorities; and the providing of information for research and academic work.

According to a survey, the personal attention provided was graded as good or excellent in 97.9% of the cases.

During last year, five regional officers were opened, adding to the ten that were already operating.

This national Organism gives assistance to broad sectors of society that are vulnerable such as women, children, persons with disabilities, persons living with HIV/AIDS, elders, indigenous people, migrants, journalists and human rights defenders.

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

## **CNDH COMMISSION GIVES ORIENTATION TO INDIGENOUS PEOPLE**

**CGCP/040/12**

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

In 2011, the National Human Rights Commission managed to get an anticipated liberation for 396 indigenous people sentenced to prison, 377 men and 19 women; 328 of the local jurisdictions and 68 of the federal one.

The most favored ethnic groups were náhuatl, zapoteco, tzotzil, mixteco, totonaco, mixe, mazateco and chinanteco.

Through the Program of Anticipated Freedom Benefits for Indigenous People, the CNDH carried out 64 visits to detention centers for social reintegration, located in 26 states.

The states where more indigenous people are in prison are Oaxaca, Chiapas, Puebla, Veracruz and Guerrero.

Through the aforementioned program, this national Organism provides orientation to indigenous

sentenced to prison on their legal situation and the requirements for the legal benefits they are entitled to.

The CNDH reiterates its commitment to keep working in order that the indigenous populations of Mexico get full access to the system of justice administration.

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

## CNDH RECEIVES MORE THAN 29 THOUSAND COMPLAINTS

**CGCP/041/11**

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

The CNDH's priority is to provide assistance to victims. During last year, it received 29,439 complaints, which means an increase of 50% on inquiries for human rights violations in relation to 2010.

The Program of Attention to Victims of Crimes, Provic-tima, resolved a total of 2,525 cases of people that had suf-

fered from attacks and offenses by both, criminal organizations and public servants.

It attended 1,733 requests for support by telephone, 148 by email, 162 in its headquarters, and 482 cases in which personnel of the Commission went to the place where the events occurred in order to provide immediate assistance.

The services included legal

orientation, follow up to cases denounced before the authorities, psychological assistance, and transferring of the victims in order to get specialized assistance.

The respect to the rights of the victims of crime is an essential element when seeking to strengthen liberties in a democratic State. Provic-tima provides free attention 24/7.

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

## CNDH ATTACKS CASE OF THE APODACA PRISON

**CGCP/042/12**

*February 22<sup>nd</sup>, 2012*

The National Human Rights Commission exercised its faculty of attraction, established by law, and opened an inquiry file on the events occurred on Sunday February 19 in the Apodaca prison, in Nuevo León, where 44 inmates died and 30 escaped.

It has decided to act in this way given the magnitude of the events, and according

to the faculties accorded to it in the Mexican Constitution, the CNDH Law and its internal norms.

Also, given the reach this event has had in the national and international public opinion, personnel of the CNDH went to the place to carry out the corresponding activities.

Once the investigation is concluded, the corresponding recommendation will be issued.

Through its general and special

recommendations and reports, among which the General Recommendation 18/2010 and the National Diagnostic on Penitentiary Supervision outstand, both available through [www.cndh.org.mx](http://www.cndh.org.mx), this national Organism has testified the conditions in which inmates live.

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

## RPV RECEIVES LEGISLATORS

**CGCP/043/12**

*February 23<sup>th</sup>, 2012*

The President of the National Human Rights Commission, Raúl Plascencia Villanueva, received a group of senators at the CNDH headquarters, who exposed the case of Pablo Salazar Mendiguchía, former governor of Chiapas.

They asked for the intervention of this national Organism in this case in order to guarantee the due process of law to which every Mexican has a right, as well as

the presumption of innocence.

Also, they informed about the intention to create a plural group to visit the former governor, who is in prison in the state of Chiapas, and requested that a representative of the National Human Rights Commission joins them in this visit.

The constitutional reform of June, 2011, points out the duty of all public servants to act in accordance to human rights and their respect.

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



## INDISPENSABLE TO KNOW INTERNATIONAL LAW

**CGCP/044/12**

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

With the aim of strengthening the knowledge of and respect to fundamental guaranties, the CNDH published the book *Compendio de Instrumentos Internacionales de Derechos Humanos* (*Compendium of International Instruments of Human Rights*).

This work presents

the greatest number of international instruments of human rights that form part of the positive Mexican legal system, as well as those that nourish it, even when not being a formal part because of constitutional requirements.

The text has three volumes and forms part of the 4,485,000 copies published by the National Human Rights Center during last year. The compendium falls within the framework

of the constitutional reform of June, 2010, that accords new impetus to these matters by providing such international instruments with a greater legal efficiency.

Besides, it obliges the Mexican State to create the necessary conditions to guarantee the security, liberty and dignity of every person.

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

## COLLABORATION AGREEMENT WITH THE ILO

**CGCP/045/12**

*February 26<sup>th</sup>, 2012*

The CNDH and the International Labor Organization signed for the first time a collaboration agreement to undertake training activities, divulgation and promotion of labor rights.

Both institutions committed themselves to coordinate training and awareness programs as well as to participate in activities that promote a culture

of legality and respect to workers' human rights.

In company of Thomas Wissing, director of the ILO Office for Mexico and Cuba, the national Ombudsman highlighted that this agreement meant a step forward in the full respect to human rights.

He pointed out the importance of maintaining an open dialogue and reiterated that the best way to carry out these tasks is by joining efforts.

Besides, Raúl Plascencia Villanueva, president of the CNDH recalled the constitutional reform of last June that allows this Organism to know of and make declarations on labor issues.

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



## CNDH SIGNS AGREEMENTS WITH UNIVERSITIES

**CGCP/046/12**

*February 28<sup>th</sup>, 2012*

Raúl Plascencia-Villanueva, President of the CNDH, signed collaboration agreements with the government of Jalisco, that state's Human Rights Commission and local universities, with the aim of promoting, providing training, and teaching human rights as a safe path to eradicate violence and have committed public servants.

During the ceremony, the national Ombudsman affirmed that the knowledge and promotion of human rights is a task that the CNDH and education institutions have decided to deliver jointly.

Therefore, seminars and courses on the constitutional reform will be organized. Also, the state Human Rights Commission presented its report of activities, in which framework Plascencia Villanueva said that public organisms of

human rights promotion and protection require to work under a model of transparency and efficiency.

During his working trip to Jalisco, the national Ombudsman held meetings with members of NGO and signed collaboration agreements which will facilitate to develop knowledge and new methods to carry out training courses in human rights.

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





## URGENT PREVENTIVE MEASURES

**CGCP/047/12**

*February 29, 2012*

The National Human Rights Commission requested the Public Security Secretariat and the government of Chiapas to establish preventive measures for a group of senators.

Leaded by José Luis García Zalvidea, a group of legislators

informed the CNDH that they are being denied access to the Social Reintegration Center No. 14 "El Amate", in that state, to visit former governor Pablo Salazar Mendiguchía.

They are also being object of offenses that entail risks to their integrity, for which this national Organism has requested to take the preventive

measures necessary and appoint staff to protect the concerned persons during they visit to Chiapas.

The CNDH remains seized of the matter and requests an immediate answer on said preventive measures.

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

## RECOMMENDATIONS

### RECOMMENDATION 03/2012

**MATTER:** On the violation of the right to health and life protection against V1, migrant from Nicaragua

**RESPONSIBLE AUTHORITIES:** Health Secretariat and Commission of the National Migration Institute

The National Human Rights Commission examined the elements and evidence of file CNDH/5/2011/244/Q, opened after personnel of this national Organism conducted a visit to the migratory station of the National Migration Institute, in Iztapalapa, Mexico City, on January 4, 2011. During said visit, several foreigners declared that one man from Nicaragua had died, probably by a hit in his head, without any certainty of the circumstances in which that happened.

The personnel of this Institution held an interview with SP1,

Head of the Department of Consular Matters in that institute, who declared that on December 29, 2012, V1, Nicaraguan and 42 years old, had voluntarily appeared before that migratory station.

When arrived, she said, she had an injury in his head, for which he was transferred to General Hospital "Manuel Gea González", where they did not have the adequate equipment to practice the tests he needed and has re-transferred to the migratory station.

Later, V1's health got worse, so he was taken to another hospital, where he died in the morning of January 4, 2011.

From the legal analysis of the evidence contained in the aforementioned file, according to article 41 of the

National Human Rights Commission Law, it is possible to conclude that public servants of the migratory station, of the National Migration Institute and medical staff of the General Hospital "Manuel Gea González" violated V1's rights to health and to life, by actions consisting on not providing the corresponding urgent medical attention, care and assistance, negligence, and actions or omissions that offend migrants' rights.

On these bases, Recommendation 03/2012 was issued.

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

### RECOMMENDATION 04/2012

**MATTER:** On the writ of appeal of V1

**RESPONSIBLE AUTHORITIES:** Congress of the state of Nayarit, municipality of Santiago Ixcuintal, Nayarit

The National Human Rights Commission examined the elements and evidence of file CNDH/5/2011/203/RI, resulting of V1's writ of appeal, given that on May 15, 2009, Q1 presented a complaint before the Human Rights Commission of the state of Nayarit, referring to the acting of members of the public security of Villa Hidalgo, in the municipality of Santiago Ixcuintla, Nayarit.

Said complaint was registered on file DH/210/2009, which also expressed that on May 13 V1 communicated that V2 had been detained and taken to the local prison. Later, V1 declared, he could see V2, whose health was deteriorated, without being able to stand up.

Physician SP2 put a catheter given that he already had problems to pee, consequence of the hits and injuries he suffered from the local policemen while we was detained.

Once the Human Rights Commission of the state of Nayarit completed the corresponding investigation, on August 10, 2009, addressed Recommendation 15/2009 to the president of the municipality of Santiago Ixcuintla.

The recommendation was accepted by the authority and the local organisms requested in several occasions the sending of the evidence of its compliance.

After receiving no response, on June 1, 2011, the local organism decreed the no compliance and on June 6, V1 presented a writ of appeal to this National Organism.

From the legal analysis

of the evidence contained in the writ of appeal, this National Commission considers the decision of the local commission to be solidly founded, given violations of human rights to integrity and personal security against V2 and V3; and to liberty, legality and legal security against V2, by acts consisting of injuries, illegal withholding, torture, and omissions contrary to that accorded to persons deprived of their liberty.

On these bases, Recommendation 04/2012 was issued.

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

## BOOK OF THE MONTH

### LA REFORMA CONSTITUCIONAL DE DERECHOS HUMANOS: UN NUEVO PARADIGMA

**Carbonell, Miguel  
Salazar, Pedro**  
Coordinators

The texts included in this volume, all of them written by well-known scholars from different public and private universities, intent to provide full knowledge on the origin and deep significance of these important constitutional changes.

They are all different works that complement each other

and together offer a complete picture of what was reformed in June, 2011.

Besides, from the opening of the book, the reader can find a reconstruction of the social, political and institutional evolution that made possible the reform, in which human or fundamental rights are establish as the limits that every power—private or public—must comply with and respect.

This is achieved in total discursive, normative and imperative harmony with international human rights law. In fact, this is a constant element that all authors include into their texts.

This could be in no other way, given that, without exaggerating, it is what justifies this reform's imposition to adopt a new paradigm in the Mexican constitutionalism.



<http://biblio.juridicas.unam.mx/libros/7/3033/2.pdf>

## ARTICLE OF THE MONTH

### Human Rights Commissions and Unconstitutionality Actions

José Ramón Cossío D.\*

In 2006, fraction II of constitutional article 105 was modified so that the National and local Human Rights Commissions could promote unconstitutionality actions before the Supreme Court of Justice; specifically, to contest the constitutionality of federal and local laws by the National Commission and those corresponding to their entities by the local commissions. It was an important reform that made possible for those organisms to actively participate in the upholding of the constitutional supremacy and, particularly, the full respect of those rights. Unfortunately, human rights commissions have rarely used such power.

Between September, 2006 and January, 2012, these 33 organs promoted only 31 such actions. This quantity greatly contrasts with the ones promoted by other institutions during the same period: 273 by the General Attorney's Office, 133 by political parties with a federal register, 38 by parliamentary minorities at the local level, 6 by political parties with a local register, 3 by parliamentary minorities of Mexico City's Legislative Assembly

and one by members of a minority of the Chamber of Representatives of the Congress. 14 of the 31 actions promoted by human rights commission have been resolved (Institutional Relations Unit of the Supreme Court of Justice). It is worth noting that the unconstitutionality of the Mexico City's Patrimonial Responsibility Law was declared in one of these actions (for limiting access to justice); in another one, different aspects of the Federal Police Law and the Organic Law of the General Attorney's Office were declared invalid (for discriminating Mexican by naturalization); and yet in another one the general contents of constitutional article 18 on access to justice for youth were established.

Why do I say it is unfortunate the use that human rights commissions have made of this faculties? Because they have not expressed to the Supreme Court of Justice the possible invalidity of many legal norms created since 2006. This is not, of course, an invitation to promote processes of this nature irresponsibly, based only on a drive to be the center of attention. On the contrary, it is an invitation to those that perform a fundamental role in the protection of human rights, to start systematic exercises of analysis of the legal content that is regularly produced, in order to promote the corresponding action when-

ever they find a problem of unconstitutionality.

It is worth remembering once again that last June our country gave an incredible leap forward in legal and political terms, establishing a complex and complete model of human rights protection. From that moment, all the authorities in the country shall, according to what the Constitution says, "promote, respect, protect and guarantee human rights (established by the constitution or by an international treaty) according to the principles of universality, interdependence, indivisibility, and progressivity."

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\*Minister of the Supreme Court of Justice



## Newsletter

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**Defends and Protects your Rights**

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