



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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## The Voice of the President

### Prisons, an unsolved issue

Dr. Raúl Plascencia Villanueva

Tuesday, March 13, 2012

*"... as long as the punishments become moderate, the misery and hunger inside the prisons are eradicated, and compassion and humanity go further than jails..."*

I wanted to begin this commentary with some words from the Essay on Crimes and Punishments, written in 1764, in order to illustrate how hard it is to believe that more than two centuries later they still resound very strongly among us and demonstrate some of the ideas of diverse thinkers of the French Enlightenment.

This gives us the opportunity to observe that the aspira-

tion to achieve better living conditions inside the prisons is a deep rooted constant through the history of society, for it is possible to say that the way inmates are treated is a clear reflection of the



degree of humanity of its members.

From there that different sector of society have questioned if the current model of justice procurement and social reintegration should remain, given that, instead of contributing to overcome the public security situation that currently prevails in our country, it transfers the problem to the Social Reintegra-

tion Centers and fails to attend its original causes. As a result of a lack of public policies in terms of social reintegration, some voices have raised to demand the implementation of other, more effective models, which facilitate a better protection of human rights: alternative punishments other than deprivation of liberty, as a way to depressurize Social Reintegration Centers, which right now are inappropriate to fulfill their purpose. This does not imply that the State should renounce its power of recurring to prisons. But it also has the duty to guarantee that those there have the opportunity to readapt to society. Prisons cannot be conceived as an abandonment and indifference zone, or as a school for crime.

This article may be accessed through:  
<http://www.eluniversalmexico.com.mx/editoriales/2012/03/57524.php>

## Event of the month

**The President of the CNDH welcomed Kathleen Fitzpatrick, Deputy Assistant Secretary for Democracy, Human Rights and Labor of the State Department of the United States of America**





## **ELECTRICIANS COME TO CNDH**

**CGCP/048/12**

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

A group of electricians came to the National Human Rights Commission to present a document signed by 12,610 people, requesting the intervention of this national Organism in relation to several procedural actions and omissions that they consider to violate their human rights,

and that are attributable to the president of the Federal Board of Conciliation and Arbitration and the First Circuit Second Collegiate Court on Labor Issues.

Personnel of this national Organism received the workers, members of the Mexican Electricians Union, collected their statements and listened to the reasons that motivated them to come to the CNDH.

The document will be analyzed and treated according to the Law and the internal normativity of the National Human Rights Commission.

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

## **RAÚL PLASCENCIA MEETS ALEJANDRO POIRÉ**

**CGCP/049/12**

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

The President of the National Human Rights Commission, Raúl Plascencia-Villanueva, held a meeting with Alejandro Poiré, Secretary of Government, during a private lunch in which they talked about several issues related to the protection of human rights.

They agreed on the promotion of actions in this sense and exchanged impressions on the situation faced by vulnerable groups in our country.

Also, they pointed out the relevance of the Constitutional Reform on Human Rights, enacted last year in June.

During this meeting, Plascencia-Villanueva affirmed that the protection

of victims of power abuse and crime is a permanent task for the CNDH.

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

## **CNDH ATTACKS JOURNALISTS CASE**

**CGCP/050/12**

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

The National Human Rights Commission investigates attacks on journalists from different media in the state of Baja California.

It attracted the case Antonio Heras Sánchez, correspondent of *La Jornada* who was victim of beating in Mexicali, and the case

of Adela Navarro Bello, co-editor of *Semanario Z* who was threatened in Tijuana.

Assaults on journalists affect the population's right to information.

Therefore, the National Commission will remain seized of the investigations and the actions of public servants in charge of observing the law in order to clarify these unfortunate

cases. Once the investigations are concluded, a determination according to the law will be issued.

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

## ATTENDING OLDER PEOPLE WITH DISABILITIES

**CGCP/051/12**

*March 3<sup>d</sup>, 2012*

One of the main challenges for contemporary society is the elimination of the rejection and indifference suffered by older people with some kind of disability.

This social group is at risk of suffering discrimination and physical or psychological aggressions because of their age or health condition,

which violate their fundamental rights.

Therefore, the National Commission underlines the necessity of adopting public policies that allow them enjoying better life conditions through rehabilitation, inclusion in productive activities and fulfillment of their right to receive a decent pension.

According to official data, It is estimated that there are 2,767,796 men and women

in Mexico over 60 years old living with a physical, hearing, visual or intellectual disability.

The principal violations to these persons' rights denounced to this national Organism during 2011 were the denial or hindering of social security services, inappropriate medical attention, problems with the provision of medicines and negligence.

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

## ACTIONS IN FAVOR OF MIGRANT CHILDREN

**CGCP/052/12**

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

The CNDH has attended, from January 2011 to February 2012, 136 complaints on alleged violations to the rights to legal security, decent treatment, integrity, equality and health of migrant children and adolescents.

This national Organism has documented that during their journey across different states of our country,

they are exposed to crime, abuses from authorities and accidents in which they might lose their lives.

Through its participation in several forums and workshops, the National Commission has insisted in the necessity of a specialized attention to migrant children, as well as the urgency of finding alternatives to detention, proposing to take them to social protection facilities.

According to official data,

between January and November, last year, almost 11 thousand children and adolescents were repatriated from the United States.

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

## PROTECTING VICTIMS OF DISPLACEMENT

**CGCP/053/12**

*March, 5<sup>th</sup>, 2012*

Raúl Plascencia-Villanueva, President of the CNDH, affirmed that the increase of internal displacements in Mexico, caused by the violence generated by the confrontation between organized crime and public security elements in some parts of the country, is a phenomenon that must be eradicated.

During the "Training Session on Internal Displacement", the national Ombudsman emphasized authorities' obligation and responsibility to provide protection and assistance to society.

Encounters like this, with the participation of experts in the protection of the affected communities, allow thinking about these issues and proposing new solutions.

According to official data, there are around 27.5 million displaced people in the world who leave their homes to protect their physical integrity and life.

Therefore, this national Organism makes an appeal to authorities to pay due attention to the consequences of displacement and guarantee the full respect of human rights.

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

**ACTIVITY REPORT PRESENTED TO MINISTERS****CGCP/054/12***March 6<sup>th</sup>, 2012*

Raúl Plascencia-Villanueva, President of the National Human Rights Commission, presented his 2011 Activity Report in a plenary meeting of the Ministers of the National Supreme Court of Justice.

He said that during the past year, the CNDH carried out a more intense work in human rights protection and promotion.

This National Organism received a total of 29,439 complaints and issued 95 recommendations to several authorities of the three levels of government.

Also, in order to broaden attention to society and victims of crime and abuse of power, 5 more regional offices were inaugurated, adding to the other 10 already operating.

The national Ombudsman emphasized that the main goal during 2011 was a better prevention of human rights violations.

He spoke about the actions undertaken to protect and promote human rights of vulnerable groups.

Besides, he also reaffirmed the conviction of maintaining the collaboration with authorities of the three levels of government, human rights organisms and civil society in order to assume a common commitment to protect human rights.

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

**TO ERRADICATE INEQUALITY AT HOME****CGCP/055/12***March 7<sup>th</sup>, 2012*

The promotion of equality between men and women inside the family is paramount to have a fairer country.

In this vein, the CNDH carries out several educational and promotional activities such as the *Campaign to Promote Equality between Men and Women at Home. Shared Family Responsibili-*

*ties, "It is better with us all",* in which participate public servants of state commissions, parents, students and teacher from different public schools.

This campaign highlights the necessity of eradicating habits and stereotypes that perpetuate the idea that domestic tasks are an exclusive responsibility of women.

According to official data, women also invest more

time to household activities than men and do not receive any acknowledgment or remuneration.

Therefore, the CNDH suggests that the promotion of fundamental rights inside the families will contribute to eliminate the inequality faced by women at different social levels.

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

**IT IS URGENT TO IMPROVE WOMEN'S SITUATION****CGCP/056/12***March 8<sup>th</sup>, 2012*

In the framework of the *International Women's Day*, the National Human Rights Commission considers fundamental to eradicate cultural factors of violence and submission that affect women's wellbeing.

It is fundamental that legislative progresses on this matter are put into prac-

tice in order to prevent them from being victims of mistreatment or gender based discrimination.

It is estimated that an increase of 8.2% of the economic remuneration of women is necessary in order to achieve income equality in relation to men.

For this reason, it is fundamental to promote among society the acknowledg-

ment of their contribution to the social, economic and political life of our country.

The CNDH, through different institutional programs, has undertaken an intense activity of promotion and protection of their rights.

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





## CHILD EXPLOITATION AT WORK IS UNACCEPTABLE

**CGCP/057/2012**

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

Raúl Plascencia-Villanueva, President of the CNDH, affirmed during his participation at the *II Conference of the Iberoamerican Academy of Labor and Social Security* and the *II National Congress of the Mexican Law Society of Puebla* that there is no justification to have cases of child exploitation at work in our country, least to have them

working in extreme danger conditions.

He considered that there are still cases that, based on their characteristics, should be located in an already overcome past, having children exploited in high risk carbon mines or agricultural zones with extended working hours.

He remembered that Mexico has still not subscribed the International Labor Organization Convention No. 138 on the min-

imal age to work that warns on the security and health risks to minors. He also talked about the existence of at least 78 international treaties on labor matters that have been subscribed by the Mexican State and should be fully observed.



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

## OMBUDSMAN MEETS COLLEGE STUDENTS

**CGCP/058/12**

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

During his keynote speech at the Anahuac University, "Efficiency in Human Rights Protection", Raúl Plascencia-Villanueva, President of the CNDH, affirmed that whenever any public servant violates human rights there is a violation to the Mexican Constitution.

He pointed out that in a democratic State there is no justifi-

cation for a public servant to offend society when he is supposed to serve it.

In this context, he referred to the Constitutional Reform enacted last June, that strengthens human rights organisms attributions and underpins accountability of public servants to the legislative power whenever they decline recommendations addressed to them.

He added that "we hope that these changes

to the Constitution will be the starting point of a new era in our country.

A modification to the backbone of the Mexican State that generates a different dynamic in the administration, where there is no doubt that public servants should be committed to the respect of human rights."

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

*...the Constitutional Reform enacted last June, that strengthens human rights organisms attributions and underpins accountability of public servants to the legislative power whenever they decline recommendations addressed to them recomendaciones"*

## PREVENTIVE MEASURES TO PROTECT FAMILIES IN SONORA

**CGCP/059/12**

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

The National Human Rights Commission requested the government of Sonora to implement preventive measures to protect the life and integrity of José Francisco Figueroa Mercado and Guadalupe Burton Quiroz, as well as their families, who have been victims of threats after an eviction act was carried out against them in Hermosillo.

The authority is also asked to return possession to the victims and to order Mr. Carlos Alberto Navarro Sugich, Sonora's Attorney General a.i., and to other state public servants, to refrain from taking any retaliation against these persons.

The National Commission will remain seized of this matter and in due time will issue the corresponding legal determination.

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

**CNDH ATTENDS VICTIM OF KIDNAPPING****CGCP/060/12***March 12<sup>th</sup>, 2012*

Raúl Plascencia-Villanueva, President of the National Human Rights Commission, held a meeting with a victim of kidnapping who arrived accompanied by representatives of civil organizations.

The victim, who had to leave to the United

States, presented his case and informed that he had received threats that he attribute to a criminal group. He presented his complaint and requested the support of this Organization.

The national Ombudsman pointed out the CNDH's duty to provide assistance to any person with no distinction, particularly to those whose victims

of crime or consider their human rights to have been violated. He also informed that a file has been opened to inquire on the complaint and in due time the corresponding determination will be issued.

Members of the organizations Mexico SOS and Stop Kidnapping were present during this meeting.

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

**CNDH AND DIF SIGN A COLLABORATION AGREEMENT****CGCP/061/12***March 13<sup>th</sup>, 2012*

Raúl Plascencia-Villanueva, President of the CNDH, and Ms. Margarita Zavala, President of the Council of the National DIF, signed the "Agreement for the Attention of Children and Adolescents in Organized Crime Scenarios", with the goal of uniting efforts of the Mexican State, the public human

rights organisms and civil society organizations, in order to protect the personal integrity, security and full observance of this group's human rights, so that they do not suffer violations to their rights and enjoy access to the justice system established in our Constitution.

He added that the protection of their rights constitutes a constitutional warranty and a genuine expression of the solidarity

owed to them by the State and the society.

The national Ombudsman expressed that children and adolescents have the rights to receive a decent treatment and widest attention that authorities can provide.

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

**TREATMENT WORTHY OF WOMEN LIVING WITH HIV/AIDS****CGCP/062/12***March 14<sup>th</sup>, 2012*

The CNDH considers that the strengthening of a culture of respect for human rights of people living with HIV/AIDS is fundamental to eliminate the rejection, abuses or marginalization they are subjected to. Women are the most affected given their biological, social and cultural conditions.

According to official data, from the total cases of AIDS registered from 1983 to September, 2011,

18% are women; however, this figure increases to 27.2% in HIV cases during that same period.

In relation to AIDS cases, the age range of greater infection is between 25 and 39 for women, and 20 to 34 in the cases of HIV.

The CNDH, through its HIV/AIDS and Human Rights Program, promotes their rights, provides attention and follow up to complaints, as well as legal advice and transferring to public institutions; it also carries out promotion and training activities.

Through these actions, this National Commission emphasizes the necessity of strengthening education policies, particularly sexual education, in correlation to the ministerial declaration Preventing through Education subscribed by Mexico since 2008 in order to prevent greater transmission and bolster a decent treatment for these people.

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

## CNDH REINFORCES TRAINING AND PROMOTION

### CGCP/063/12

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

The CNDH considers that it is the responsibility of public institutions to unite efforts in order to provide greater and better security to society, based on the respect of human rights.

The providing of the necessary tools to undertake this task to all those public servants in charge of it will allow advancing in the consolidation of a democratic State.

The National Commission develops different actions across the country seeking to prevent assaults on human rights.

During 2011, there were more than 3 thousand training and promotion activities in this sense. As a result of the collaboration agreements signed with the National Defense Secretariat and the Secretary of Navy, this national Organization organized workshops and seminars for 30,108 members of these institutions.

Training and promotion activities are paramount in order to contribute to the consolidation of a culture of respect for human rights.

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

## ATTENTION TO CHILDREN WITH DISABILITIES

### CGCP/064/12

March 19<sup>th</sup>, 2012

The protection of children with disabilities should be a priority for society and authorities; they constitute a vulnerable group.

According to official figures, 5.7 million people live with some disability in Mexico, out of which 11% are between 0 and 19 years old.

In the framework of the Convention of the Rights

of Persons with Disabilities, of which Mexico is a party to, there are multiple actions in favor of this group.

The Convention established that States Parties should take the necessary measure to ensure that children with disabilities fully enjoy human rights and fundamental liberties. They must guarantee their right to freely express their opinion on issues that affect them.

The National Commission considers fundamental rights

as inherent to all human beings, with no distinction of any kind.

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

## TO AVOID RACIAL DISCRIMINATION

### CGCP/065/12

March 20<sup>th</sup>, 2012

In the framework of the commemoration of the *International Day for the Elimination of Racial Discrimination*, on March 21, the CNDH considers necessary to respect the human rights of all.

In the case of Mexico, marginalization and inequality in which 15.7 million indigenous people live in our country

affect their social, political, economic and cultural development, as well as constitute an assault to their dignity.

The CNDH deems indispensable to eradicate discriminatory attitudes suffered by these people based on their ethnic origin, beliefs, traditions and way of living.

It is necessary to reinforce actions that seek to eradicate intolerant practices towards people who go across the coun-

try seeking better life conditions.

The Commission considers that education to childhood and youth allows building a society in which equality and liberty prevail.

The *International Day for the Elimination of Racial Discrimination* was established by the UN on 1966.

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



**A RESPECTABLE COURT DECISION****CGCP/066/12***March 21<sup>st</sup>, 2012*

The National Human Rights Commission manifests its respect for the determination issued today by the First Tribunal of the Supreme Court of Justice and considers that compliance with decisions of the Constitutional Court

is a fundamental component of the correct functioning of institutions.

The CNDH considers that the construction of the culture of legality constitutes the only possible way of substantially transforming the reality of our country. The commitment to firmly assume the protection of human rights is permanent.

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

**GOVERNMENT OF SONORA NEGLECTS PREVENTIVE MEASURES****CGCP/067/12***March 21<sup>st</sup>, 2012*

The National Human Rights Commission informs that the government of Sonora has neglected the request of preventive measures to protect the life and integrity of José Francisco and Guadalupe Burton Quiroz, as well as of their relatives.

According to the terms of article 117 of the Internal

Normativity of this autonomous Organism, the three days period has passed without receiving any reply from the governor, for which such measures are considered as not accepted.

This evidences the lack of compromise and the non-compliance with the constitutional text that establishes the obligation to authorities, in the framework of their attributions, to promote, respect

and guarantee human rights.

Therefore, the CNDH now has requested to the National Defense Secretariat the preventive measures to protect the victims. It is also this national Organism's faculty to continue the investigation on this case and remain seized of the acting of the public servants involved.

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

**EFFORTS TO PROTECT MIGRANTS****CGCP/068/12***March 22<sup>nd</sup>, 2012*

The CNDH Works to promote and protect migrants' human rights, with the aim of reducing factor that might generate conditions of vulnerability.

According to international statistics, the flux of migrants worldwide is 214 million people, out of which 40 million are undocumented.

The principal countries

of destiny are United States, Russia and Germany, while nations with a greater mass of emigrants are México, India and China.

Between April and September, 2010, the National Human Rights Commission documented 214 kidnappings in different states, with a toll of 11,333 victims. In this vein, and after requests from several civil society organizations, the audience on the "Situation of non-located migrants and

non-identified bodies in Mexico" will take place tomorrow in Washington, D.C., in the framework of the 144 Period of the Sessions of the Inter-American Commission of Human Rights.

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



## CNDH'S CAMPAIGN AGAINST BULLYING

**CGCP/069/12**

March 24<sup>th</sup>, 2012

The National Human Rights Commission considers the training of teachers and school authorities is paramount to contribute to solve the problem of violence inside the schools, known as school harassment or bullying.

One of the main objectives of the *Campaign to Fight and*

*Eradicate Violence at Schools*, developed in different schools of the country, is to provide teachers and school authorities theoretical and practical tools to generate an harmonious environment among students.

It also recognized the convenience of including parents in the search of pacific solutions to conflicts that occur inside the classrooms, as well as to provide the necessary special-

ized assistance to victims and aggressors. Official figures indicate that 4 out of 10 students, between 6 and 12 years old, have suffered some kind of physical aggression from a classmate.

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

## CONFRONTING TRAFFICKING IN PERSONS IN TOURISTIC PLACES

**CGCP/070/12**

March 25<sup>th</sup>, 2012

The National Human Rights Commission points out to the necessity of confronting trafficking in persons that occurs in different touristic zones of the country.

It considers important to reinforce actions to fight against this crime which, according to estimations, generates profits

of more than 32 million dollar worldwide.

The work carried out by the CNDH, in coordination with civil organizations, has allowed detecting victims of human trafficking in cities with a high flux of national and international tourists such as Acapulco, Cancún, Puerto Vallarta and México City.

Children and adolescents are tricked by job offers out

of their communities and some of them, under threats, are forced into prostitution or to work in deplorable conditions at households, agriculture or constructions, which violate their fundamental rights.

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

## SUPPORTING INDIGENOUS WOMEN

**CGCP/071/12**

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

As part of the protection of indigenous women's human rights, between 2009 and 2011, the CNDH carried out different processes with the corresponding authorities and achieved the liberation of 131 women that were inmates at different prisons of the country.

Besides, the CNDH undertakes visits and actions to verify the state of some other

306 inmates in different Social Readaptation Centers, while providing orientation on their legal situation as well as information on the legal benefits available to them.

It has been observed that among the most frequent complaints is the lack of interpreters, deficient medical staff, inappropriate conditions of the facilities and lack of information on their defense and legal situation.

This national Organism

considers that the penitentiary system should guarantee to indigenous inmates the respect to their human rights, work, training, education and health, as well as to the fundamental right of social reintegration established in article 18 of the Constitution.

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

## SE EMITE RECOMENDACIÓN SOBRE CASO AYOTZINAPA

**CGCP/072/12**

*March 27<sup>th</sup>, 2012*

The President of the National Human Rights Commission, Raúl-Plascencia Villanueva, presented Recommendation No. 1 VG/2012 on the Investigation on Grave Violations to Human Rights Related to the Facts Occurred on 12 December, 2011, in Chilpancingo, Guerrero.

The CNDH issued this Recommendation, conformed by 219 pages, that is addressed to the government of Guerrero, the Public Security Secretariat and the Board of the LXI Legislature of the Local Congress. It informs that there were sufficient elements to prove evidence of grave violations to the right to freedom of association and as a consequence to the rights to life, security and personal integrity, legality, legal security, personal liberty and decent treatment, explained Plascencia-Villanueva.

In these events three persons lost their lives, two students by gunshots, and an employee of a gas station after he tried to

eliminate a fire that originated in one of the bombs.

The National Commission observed that given the events, elements of diverse police corporations arbitrarily detained 42 people, 24 of whom were subjected to beating.

Among this group were four minors and a woman. It was also confirmed that a 19 years old student was victim of torture and wrongfully accused of having shot a gun.

As a result of a deep inquiry, the CNDH formulated 30 specific recommendations: 13 to the Public Security Secretariat in conjunction with the Governor of the state of Guerrero; 4 to the Public Security Secretariat alone, 11 to the state government and 2 to the presidency of the board of the LXI Legislature of the Congress of Guerrero. Recommendation No. 1 VG/2012 may be accessed through [www.cndh.org.mx](http://www.cndh.org.mx)

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



## OMBUDSMAN WELCOMES KATHLEEN FITZPATRICK

**CGCP/073/12**

28 marzo, 2012

The President of the National Human Rights Commission, Raúl Plascencia-Villanueva, welcomed Ms. Kathleen Fitzpatrick, Deputy Assistant Secretary for Democracy, Human Rights and Labor at the US State Department.

During their meeting, they discussed different human rights issues.

The work of the CNDH in favor of victims was pointed out during the conversation.

Plascencia-Villanueva affirmed that it is paramount to stay beside those who are victims of crime or power abuse.

Ms. Fitzpatrick was accompanied members of her staff, including Christina Hernández, Michael Glover, Vanessa Acker and Soraya Garduño.

Deputy Assistant Secretary Fitzpatrick expressed her interest in several actions that the CNDH carries out.



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

## PROTECTION TO JOURNALISTS AND CIVIL DEFENDERS

**CGCP/074/12**

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

Raúl Plascencia Villanueva, President of the CNDH affirmed that as much as actions and omissions contrary to human rights are acknowledged, the conditions for them not to repeat will be created.

During his participation at the fifth ordinary session of the Political Government Commission on Human Rights,

he stated that it is essential to build a genuine culture of legality.

The national Ombudsman pointed out the importance of the creation and implementation of the Mechanisms for the Protection of Journalists and Civil Defenders of Human Rights.

He declared that "assaults to journalists and civil defenders constitute an attack to the State of Law and democracy."

In this vein, he highlighted the CNDH's commitment to participate in these initiatives in order to contribute to a coordinated effort in favor of society. He added that this is a commitment that does not only involve organisms oriented to these tasks, but also to public servants.

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

## COLLABORATION AGREEMENT WITH STPS

**CGCP/075/12**

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

The CNDH and the Labor Secretariat signed a Collaboration Agreement with the objective of carrying out promotion, training and study of human rights activities jointly.

The national Ombudsman, Raúl Plascencia-Villanueva, pointed out that in many occasions the first barrier to protect human rights and make them

effective is the lack of their knowledge.

He also affirmed to Labor Secretary, Rosalinda Vélez Juárez, that the union of efforts seeks prevention of violations.

The CNDH assumes a full commitment of walking together in this training and promotion of human rights strategy in benefit of society and, particularly, of our institutions.

They highlighted that this type

of actions promote the necessary conditions for workers to have a decent treatment.



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

## ATTITUDE OF CONAGUA IS AGAINST SOCIETY

CGCP/076/12

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

The National Human Rights Commission regrets the attitude of the Director General of the National Water Commission during his appearance before the Senate, due to that it is contrary to the respect of human rights.

His declarations do not correspond to the content of the Recommendations issued by the CNDH,

which in turn affects institutions, society and the State itself.

He has reaffirmed his systematic decision of not accepting these Recommendations, affecting thousands of families of Tabasco, in the specific case of Recommendation 61/2011. Staff members of CONAGUA have committed abuses, omissions, acts of corruption, non-compliance to norms and have left infrastructure works unfinished.

The rights to legal security, legality, property, possession, decent treatment, health protection and household have been violated. Therefore the importance of the Senate's determination, for it cannot accept violations to the Constitution and human rights to remain in impunity. It is necessary to establish the corresponding liabilities.

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

## SIGNING OF COLLABORATION AGREEMENTS WITH UNIVERSITIES

CGCP/077/12

March 29<sup>th</sup>, 2012

During the signing ceremony of Collaboration Agreements with universities, Raúl Plascencia-Villanueva, President of the CNDH, declared that education on human rights is the road to construct a society that knows, values and respects its law.

He also signed Specific

Collaboration Agreements with the objective of developing seminars on the Constitutional Reform, Public Security, Justice Procurement and Victims of Crime.

The national Ombudsman pointed out that it is necessary to invigorate education, training, teaching, research and promotion actions addressed to society in order to bolster a culture of respect of the law and protection of human rights.

He also held a meeting and signed an agreement with members of the Chamber of Commerce and civil society organizations of the state of Baja California.

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

## TRAFFICKING IN PERSONS: SLAVERY AND BUSINESS

CGCP/078/12

March 30<sup>th</sup>, 2012

During his participation at the forum *Vulnerability Conditions of Migrants to Trafficking in Persons*, Raúl Plascencia-Villanueva, President of the CNDH, affirmed that trafficking in persons is an assault to the dignity and liberty of human beings, a crime that has become an insulting global business.

The Ombudsman considered necessary to reduce the breach of impunity and promote the acting of the involved authorities in charge of public security and justice procurement, in order to fight this crime that leaves unforgettable marks to the victims.

Before representatives of authorities and civil organizations, he pointed out the necessity of public policies and mechanisms that allow providing timely protection

and assistance, as well as repairing the damage which is a right of the victims of this crime.

The CNDH has the Program against Trafficking in Persons, which facilitates the confrontation of this problem in three fundamental areas: the legal one, the institutional one, and the social one.

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





## COURSE ON WORK LAW

### CGCP/079/12

March 31<sup>st</sup>, 2012

The National Human Rights Commission considers that the spreading of knowledge and application of international work norms are a fundamental tool to fulfill its new attributions on this matter.

The national Organism and the International Labor Organization (ILO) taught the workshop "International

Work Norms" to judges, teachers and law scholars.

The Constitutional Reform on Human Rights enacted last year in June has broaden the powers of the CNDH and allowed it to hear work issues.

For this reason, its participation in these initiatives turns of great relevance given that, besides strengthening its personnel's capacities, it promotes the exchange of experience with people with expertise

on this subject; all this in benefit of people that come to this autonomous institution to receive orientation or file a complaint. This is a task that will result in a better application of national and international norms in order to reinforce the protection of human rights.

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

## RECOMMENDATIONS

### RECOMMENDATION 05/2012

**MATTER:** On the case of the facts occurred at García, Nuevo León, against V1

**RESPONSIBLE AUTHORITY:**  
National Defense Secretary

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

The National Human Rights Commission knew, through a note published on October 28, 2010 at Milenio.com, that V1 was driving his van while patrolling a zone in García, Nuevo León, known as "El Palmital", when he refused to stop when ordered so by elements of the Mexican Army, who shot him repeatedly causing him to die. The note also mentioned that two other men travelling with the victim were detained by the army members along with ten members of the local Public Security Secretariat who were guarding the aforementioned zone.

On these bases, on October 29, 2010, file CNDH/2/2010/5853/Q was opened.

From the legal analysis of the evidence contained in the file, according to article 41 of the National Human Rights Commission Law, violations to the right to life, legality and legal security were accredited for acts consisting on deprivation of life, arbitrary use of public force, modification of the scene of the facts, inappropriate preservation of criminal signs and wrongful accreditation of the facts against V1 and his relatives, attributable to public servants of the National Defense Secretariat.

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

## RECOMMENDATION 06/2012

**MATTER:** On the case of inappropriate medical attention at the Hospital For Women dependent of the Health Secretariat Against V1 and V2

**RESPONSIBLE AUTHORITY:** Federal Health Secretary

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

The National Human Rights Commission opened file CNDH/1/2011/5321/Q on the basis that on May 11, 2011, V1 went to the Hospital for Women to get medical attention, given that she was on her third trimester of pregnancy and had rupture of membranes; however AR1, AR2 and AR3, medical staff ascribed to the Emergency Room who examined her at 6:00 and 12:57 hours, respectively, omitted to apply a proper questionnaire.

Also, at 16:30 of that same day, V1 was examined by AR4, medical staff of the Emergency Room, who diagnosed her with premature rupture of membranes with an evolution of 12 hours, however he omitted to pre-

scribe laboratory studies, tests of the condition of the fetus and realize an adequate pelvis assessment to confirm the necessary criteria to practice a cesarean.

Later, V1 was admitted to the Tocosurgery Unit, where she was attended by doctors AR5, AR6 and AR7, who omitted to practice a correct pelvis assessment and allowed the patient to remain with dilatation for two hours, according to clinical and gynecological criteria.

Finally, to residents attended V2, who had been born naturally through the application of forceps, due to the fatigue of the mother.

The inadequate medical attention provided by AR1, AR2, AR3, AR4, AR5, AR6, AR7 and AR8, doctor of the Hospital for Women caused V1 to have a dystotic and expulsive labor and, as a consequence of that, V2 presented perinatal asphyxia and complications such as multiple organ failure, encephalopathy and neonatal sepsis, which in June 3, 2011 caused his death. From the legal analysis

of the evidence contained in the aforementioned file, according to article 41 of the National Human Rights Commission Law, this national Organism had enough elements to conclude that there were violations to the rights to health and life protection against V1 and V2, respectively, attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7 and AR8, medical staff ascribed to the Hospital for Women.

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

**RECOMMENDATION NO. 1 VG/2012**

**MATTER:** The investigation of serious violations to Human Rights related to the events occurred on December 12, 2011 in Chilpancingo, Guerrero

**RESPONSIBLE AUTHORITIES:** Public Security Secretary, President of the Board of the LIX Legislature of the Congress of the state of Guerrero

*March 27<sup>th</sup>, 2012*

The National Human Rights Commission presented Recommendation No. 1 VG/2012 on the Investigation of Serious Violations to Human Rights related to the Events occurred on December 12, 2011 in Chilpancingo, Guerrero, to the Public Security Secretariat and to the Board of the LIX Legislature of the local Congress.

The CNDH had enough elements to evidence serious violations to freedom of assembly and as a consequence, to the rights to life, personal security and integrity, legality, legal security, personal liberty and decent treatment.

During those events, three persons lost their lives; two students as a result of gunshots and an employee at a gas station as a result of the burns he suffered while trying to suffocate a fire in one of the bombs.

The National Commission observed that after these events, members of diverse police corporations arbitrarily detained 42 people, 24 of whom were beaten. Among this group were four minors and a woman.

It was accredited that a 19 years old student was victim of torture and wrongfully accused of having shot a gun.

As a result of a deep investigation, the CNDH formulated 30 specific recommendations: 13 jointly addressed to the Public Security Secretary and the Governor of the state of Guerrero; 4 addressed to the Public Security Secretariat alone; 11 addressed to the state government; and 2 addressed to the Board of the LIX Legislature of the local Congress.

Recommendation No. 1 VG/2012 may be accessed through: [www.cndh.org.mx](http://www.cndh.org.mx)

<http://www.cndh.org.mx/node/694>

## RECOMMENDATION 07/2012

**MATTER:** On the case of life deprivation of V1, violation to the rights to legal security and personal integrity of V2, and violation to the right to family and healthy development of V3, V4, V5, V6, V7, V8 and V9, in Ciudad Acuña, Coahuila

**RESPONSIBLE AUTHORITY:** National Defense Secretary

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

The National Human Rights Commission opened file CNDH/2/2010/5335/Q on the bases that on October 4, 2010, it received a complaint filed before the Human Rights Commission of the state of Coahuila, on which V2 denounced that on October 2, 2010, her husband V1 was detained by members of the National Defense Secretariat in their home located at Río Lerma Street in Ciudad Acuña, Coahuila, and was taken to military facilities in official vehicles.

V2 waited outside the premises from 11 hours on October 2, 2010, along with two of her children, V3 and V4, 19 and 18 years old respectively at that moment, during which they denied any kind of information regarding the status of V1, repeatedly.

At 22:00 hours, approximately, a military informed them that her

husband had been detained in flagrancy that same day and was presented to the General Attorney's Office, reason why he was taken to the ministerial police facilities.

There, they informed her that they had only received a vehicle that she recognized as belonging to V1, for which she returned to the military complex to keep insisting on getting information about her husband.

At 03:00 hours, approximately, of October 3, 2010, a clerk from the Third District Court of the state of Coahuila, went to the military facilities and was granted access, given that V1 had filed an injunction against the V1's isolation and torture.

When the clerk came out she informed her that her husband was not inside those premises. Half an hour after the clerk had left, an unidentified member of the military approached V2 and informed her that her husband had been detained by members of the National Defense Secretariat while he was driving his car around the Río Lerma Street, given that he had a gun; during the chasing, V1 fell and so they could capture him and put him inside the trunk of the official vehicle.

He also informed her that her husband had died while being taken

to the Attorney's Office, for which V2 had to go there and to local funerary to do some paper work.

From the legal analysis of the evidence contained in the aforementioned file, this Commission observed that personnel of the National Defense Secretariat, including AR1 and AR2, infantry colonels of the 10/a Infantry Company at Ciudad Acuña, Coahuila, violated the human right to life of V1 by acts consisting of deprivation of life; also the human rights to legal security and personal integrity against V2, by omitting to provide information on the development of the process by denying V1's detention; and finally it is concluded that the National Defense Secretariat violated V3's, V4's, V5's, V6's, V7's, V8's and V9's rights to family and healthy development.

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



**RECOMMENDATION 08/2012**

**MATTER:** On the case of the arbitrary cancellation of membership to the “Oportunidades” Program of some families by the Social Development Secretariat

**RESPONSIBLE AUTHORITY:** Social Development Secretary

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

The National Human Rights Commission opened file CNDH/2012/472/Q on the bases that V1, V2, V3, V4 and V5, from community of Buenavista de Guerrero, in Cuyoalco, Puebla, declared that on December 3, 2010, they were notified that their membership to the Human Development Program “Oportunidades” had been canceled, for having used its name to electoral, political, lucrative or religious purposes.

AR2, Director of Attention to Citizens of the Directorate-General of Attention and Program Operation, informed that the people presenting the com-

plaint would have their membership reactivated for the May-June, 2011 period, and affirmed that a special team would review the cause for which they had been discharged of the program.

However, on November 24, 2011, a writ was received informing that even they had been told by AR1, agent of the program at their community, about their reintegration to the program on September 13, they had not yet received the corresponding support.

Also, through a notification on September 20, 2011, they were once again informed of the cancellation of their membership, starting in the May-June, 2001 period, when they were originally supposed to be reintegrated, arguing the same causes as the first time.

From the legal analysis of the evidence contained in the aforementioned file, this National Commission observed that public servants of the So-

cial Development Secretariat violated the human rights to legality and legal security, education, health, alimentation, private audience, due process, decent treatment and vital minimum of V1, V2, V3, V4 and V5, by acts consisting of the discharging of the Human Development Program “Oportunidades” in an arbitrary way.

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

**RECOMMENDATION 09/2012**

**MATTER:** On the illegal search to the “Centro de Derechos Humanos Paso del Norte, A.C.” in Ciudad Juárez

**RESPONSIBLE AUTHORITY:** Public Security Secretary

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

The National Human Rights Commission opened file CNDH/5/2011/4899/Q on the bases that on June 5, 2011, AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9 and AR10, members of the Federal Police, appeared at the “Centro de Derechos Humanos Paso del Norte A.C.”,

on 5 patrols identified with numbers 10573, 12427, 13748, 13943 and 13972, who surrounded the street where the aforementioned organization is located and secured the perimeter.

They proceeded to enter the facilities by forcing the locks and doors and damaging walls and furniture of all rooms without any search warrant.

From the legal analysis of the evidence contained in the aforementioned file it was observed the violation to human rights to legality and legal security, as well as to property and possession, caused by dam-

ages to private property and the legal patrimony of people, against member of “Centro de Derechos Humanos Paso del Norte A.C.”, in Ciudad Juárez, Chihuahua.

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

**RECOMMENDATION 10/2012**

**MATTER:** On the case of the illegal detentions and torture of V1

**RESPONSIBLE AUTHORITY:** Navy Secretary

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

The National Human Rights Commission opened file CNDH/2/2010/3456/Q on the bases that on June 16, 2012 it received the complaint filed by Q1, V1's legal representative, through which it was declared that on June 4, that same year, members of the Navy entered into V1's home in Nuevo Laredo, Tamaulipas

and, through physical and moral violence, apprehended him, without any search warrant. It was also declared that they took with them some of his belongings and personal documents.

On June 10, 2010, Q1 knew about the facts when he was granted access to the National Detention Center located in Mexico City, where V1 told him that he had been tortured by elements of the Navy to make him sign declarations to confess his participation in organized crime, while he showed him the injuries they caused him, which

were still visible in most of his body.

From the legal analysis of the evidence contained in the aforementioned file, the CNDH found conducts that constitute violations to the human rights to legality and legal security, integrity and personal security, and decent treatment against V1 by acts consisting of illegal detention and torture, attributable to AR1, AR2, AR3, AR4 and other members of the Navy that participated in these events.

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

**RECOMMENDATION 11/2012**

**MATTER:** On the case of the inmates at the State Social Reintegration Center Number 14 "El Amate", in Cintalapa, Chiapas

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the state of Chiapas

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

The National Human Rights Commission opened file CNDH/3/2010/4142/Q as a result of the riot at the State Social Reintegration Center Number 14 "El Amate", in Cintalapa, Chiapas, on July 22, 2010; as well as the supervision operation carried out by members of the Federal and State Preventive Police, on July 24, 2010.

From the legal analysis of the documents contained in the file, this National Commission concluded that the rights to security and personal integrity, legality, legal security, decent treatment and social reintegration of the inmates at the aforementioned Reintegration Center were violated, given that the authorities in charge did not comply with the obligation of guaranteeing the respect to the inmates' physical and psychological integrity, for the center did not have the necessary security measures or conditions to favor social reintegration, which means the omission to guarantee the individual's protection by the State, as well as providing protection

and assistance to the visitors and public servants who work there.

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

## BOOK OF THE MONTH

**Do you think you have rights? Access of Mexican women to justice**  
*(¿Y usted cree tener derechos? Acceso de las mujeres mexicanas a la justicia)*

Irma Saucedo y Lucía Melgar

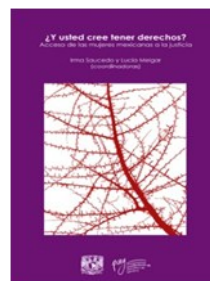
Justice might be a dangerous environment, a place impossible to access without being exposed to mistreatments or rejection, for women in general and particularly for low income or indigenous women.

Be it because of chauvinism

or authorities' corruption and their lack of ethics and a sensitive gender perspective (or a combination of these factors), the legal systems, the law, the public forces and even the political discourse, constitute a hostile environment for women. Ninety eight percent of impunity affects men and women.

*Do you think you have rights? Access of Mexican Women to Justice* exposes concrete problems in the search of justice and application of the law in Mexico: from attention to victims and follow up to denunciations, to the most recent legal reforms that affect men

and women who are related by that, fore law, fuse pri- and lic ways be- the con- the vate pub-



spheres.

## ARTICLE OF THE MONTH

**Age Discrimination: a violation to Human Rights**

By Melania Emeterio

Dominican Republic

In a previous article we made reference to Lay 24-97 Against Family Violence, a legal instrument among others that forbids age discrimination. We wondered: Who has been respecting this norm? Unfortunately this is one of the aspects of this law that presents greater levels of ignorance and, as a result, of non-compliance, for it clashed with an established culture of discrimination based on each of the factors mentioned in the article. It must be said that the vague and imprecise way in which the norm foresees this type of violation, it is difficult for a denunciation of age discrimination at work to prevail, although some cases are mentioned and punishments are established.

When the lay presents this kind of weakness a gap is generated to violate it with greater impunity. Therefore, it is necessary a legislation that reveals not only the exigency of the punishment, but identifies the occasions in which a violation to it occurs, as well as that contemplates the creation of mechanisms and specific denunciation offices and reparation to victims. Only in this way will the legal part work as a critic and modifier of the social discrimination mentality. In case where women are involved, the Women Ministry has the faculty to assume it.

The law 86-99 that created the Ministry of Women, in its article 3, letter C, established that one of its functions is to "evaluate the existent legal framework and propose legal modifications that eradicate women discrimination".

This entity's intervention is necessary, for women affected by

this situation, still barely noticed, are unprotected before a power they themselves cannot penetrate. They usually resign and consider the situation as a matter of fact.

In a general sense, there is lack of knowledge of protection laws and the way to be organized in order to affront discrimination of any kind. Most of these women only know that their capacities are underestimated and their necessities for subsistence and social promotion are left unattended. But at the same time, they ignore that this constitute a violation of domestic and international norms that the Dominican State has signed that compel it to apply measures to eradicate violence and any other type of discrimination.

<http://www.diariof27.com/articulo,2014,html>



## **Newsletter**

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**Defends and Protects your Rights**

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*Fernando Batista Jiménez*

### **Executive Secretary**

*Gerardo Gil Valdivia*

### **Technical Secretary of the Advisory Council**

*Oscar Elizundia Treviño*

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

### **Executive Secretary**

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

### **Correspondence**

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

