

Newsletter

ERA, N°. 236 NEW

OCTOBER, 2012

The voice of the President

Remarks by Dr. Raul Plascencia Villanueva, president of the National Human Rights Commission at signature of a specific agreement with the Secretariat of **National Defense**

México DF, October 30, 2012

General Guillermo Galván Galván, National Defense Secretary.

Military Justice General Brigadier Rafael Cazares Avala. General Director of Human Rights.

Ladies and Gentlemen

It is a pleasure for me to be reunited once again with you, in order to endorse commitment we signed in May 2011 to conduct training and outreach actions in human rights field. Since then, the Secretariat

National Defense and the National Human Rights Commission, have managed making significant strides by opening and intense communication allowing us to develop various training and educational activities.



Only from 2011 to date, we have conducted an unprecedented effort by 235 activities impacting nearly 108,000 participants in 12 country's military regions. I must emphasize that to implement this important program on education and training matters, we have used today's technology potential to expand knowledge and bridge the gap.

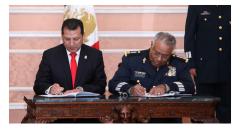
Realize magnitude of this joint effort, decrease in number of recommendations issued by the National Commission to the National Defense Secretariat, as well as increase in reconciliations. which constitute a clear example of the importance of implementing preventive actions.

It is undeniable that public safety conditions in various states and cities require Mexican state response. It is federal authorities constitutional obligations deploy their capacities to prosecute and arrest criminal groups seeking to impose their will, subdue population and commit all sorts of crimes.

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

Event of the month

The CNDH president, Dr. Raúl Plascencia Villanueva, and the National Secretary of (SEDENA), General Guillermo Galván Galván, signed a collaboration agreement to develop training activities in respect of human rights and disclosure thereof





IRREGULAR WATER WELLS RESEARCH AT CHIHUAHUA STATE

CGCP/265/12

October 1^t, 2012

The CNDH initiated investigation regarding probable responsibility of the National Water Commission by illegal groundwater extraction and surface water of Del Carmen River, as well as waters' retention of river Florido, in Chihuahua state, which affects approximately 105 thousand 992 people in Riva Palacio. Namiguipa, Buenaventura liménez and Ahumada municipalities in Chihuahua state.

The hydrological basin of Del Carmen River that covers Riva Palacio, Namiquipa, Buenaventura and Ahumada municipalities in Chihuahua State, has been affected by irrationally use of water folding down aquifers in prejudice to urban and rural population.

To the National Human Rights Commission, inhabitants' limitation of affected municipalities is worrisome, in terms of water accessibility. It shall likewise give punctual follow up to events, will exercise its legal authority to ensure full respect for and promotion of human, social, environmental and economic rights, by conducting the correspond investigations and at appropriate time will issue determination to proceed lawfully.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/

THE CNDH \$IGN\$ AGREEMENT WITH THE NATIONAL HUMAN RIGHT\$ COUNCIL OF MOROCCO

CGCP/266/12

October 2nd, 2012

Given challenges facing nations globally, the president of the National Human Rights Commission, Raúl Plascencia Villanueva, called upon to establish common strategies, foster actions that cross borders and to develop support links and cooperation between national and international organisms who share similar goals. tion agreement signing between the CNDH and the National Human Rights Council of Morocco, who leads the Dr. Driss el Yazami, the Mexican Ombudsman reiterated his commitment for human rights defense and its importance in the international context.

The agreement aims to strengthen even further relationship between the two institutions, looking always for people's welfare in respective countries.

The ceremony took place

at the International Symposium on Human Rights: Universality and Indivisibility organized by the National Moroccan Council and reaffirms the institutions' commitment to ensure to all individuals, full enjoyment of their rights.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM 2012 266.pdf

While leading the coopera-

HARMONIZE LEGI\$LATION ON HUMAN TRAFFICKING

CGCP/267/12

October 3rd, 2012

The National Human Rights Commission considers that this legislation must be harmonized within the 32 federal entities of the country in order to effectively combat human trafficking.

Recognizes combined efforts carried out by various government levels and civil society to prevent this crime, but points out that there are still many actions to be taken, among them, is that those eleven Mexican states could count with laws on the subject.

It is urgent that in those entities must legislate about this matter in order to reduce current impunity gap and promote orderly participation of authorities responsible for public safety and law enforcement, to cope with this problem that, according international estimates, infringes fundamental rights of 12.3 million people worldwide. To enhance effective combat to human trafficking and promote appropriate victims care, this National Commission has installed 13 Regional Committees. This aims to protect and assist victims in addition to monitoring public servants in giving effect to laws in field of respect for human rights enshrined in our Constitution and international treaties signed by Mexico.

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PROTECTING CHILDREN FROM ABUSE

CGCP/268/12

October 4th, 2012

The National Human Rights Commission considers that efforts must be redoubling to protect children to avoid infringing their right to live in a violence free environment.

For the CNDH is essential to eradicate aggressive behavior from households and schools which often is assumed as part of children's learning process.

It has been demonstrated that children are not born violent,

they learn how to be violent and on many occasions this learning is taken inside the family.

Beatings and insults affect their health, development and selfesteem, besides that can cause apathy, shyness, anxiety, and poor school performance.

Official figures show that in México live 32.5 million children less than 14 years old. Most of the attacks against them are committed in their homes, and data indicates that it is the mother who exercises physical or verbal violence. The CNDH reaffirmed its commitment to continue working for the Mexican children wellness and to step up efforts to promote among society values supporting partnership co-

existence based on respect, harmony and tolerance.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_268.pdf

COLLECTIVE HUMAN RIGHT\$ INFRINGMENT TO WIXARIKA INDIGENOU\$ PEOPLE

CGCP/269/12

October 5th, 2012

The CNDH issued Recommendation 56/2012 for various collective human rights infringements to Wixárika indigenous people by federal, state and municipal authorities; in particular, the rights to indigenous consultation and participation, use and enjoyment of indigenous territories, cultural identity, a healthy environment, clean water and sanitation and health protection.

The Recommendation was addressed to the Economy Secretariat, Environment and Natural Resources Secretariat, General Directorate of the National Water Commission , Federal Attorney for Environmental Protection, General Directorate of the National Commission for Indigenous Peoples Development and Governor of San Luis Potosí State and seven entity municipalities: Catorce, Charcas, Matehuala, Salinas de Hidalgo, Villa de Guadalupe, Villa de la Paz and Villa de Ramos; in attention to the following arguments.

The CNDH complaint was based on, mainly, in that federal authorities were in process of issuing new mining exploitation authorizations in Wirikuta and that currently several companies already count with concessions to perform mining operations in that area.

After conducting an exhaustive investigation, in which reports were requested from both authorities of the three levels of government and academic institutions, the CNDH noted that there are serious environ-

mental liabilities in the area; those which environmental authorities omitted to verify rules compliance concerning mining, environmental and of national waters, through acts of inspection, supervision, testing and monitoring, and that prevention measures and environmental damage mitigation have not been implemented for the 192 thousand 254 inhabitants benefit of municipalities that integrate Wirikuta and of indigenous people. Recommendation 56/2012 can be found on the website of the CNDH www.cndh.org.mx.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM 2012 269.pdf

COMMON FRONT TO PREVENT DISEASE IN WOMEN

CGCP/270/12

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October 6th, 2012

The National Human Rights Commission does an attentive called to Mexican society to approach to health institutions in order to prevent nontransmissible chronic diseases such as obesity, diabetes, high cholesterol and cardiovascular disease.

According to official data, these diseases are cause of 75 out of a hundred deaths in the country.

The CNDH is particularly concerned for women, since according to data from the Organization for Economic Cooperation and Development (OECD), Mexican women rank first in overweight evaluation of 33 member countries; with data matching the Health Secretariat, noting that 72 percent of adult women in the country have this condition.

In health organisms, women are entitled to receive information on preventive medicine campaigns, revisions and medical treatments in a respectful and dignified treatment from those who are responsible for performing them. This public autonomous agency invites women to get regular physical activity, having a healthy diet and avoid consumption of snuff to help prevent diseases.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_270.pdf

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PRESS RELEASES

AUTONOMY AND INCLUSION FOR PEOPLE WITH DISABILITIES

CGCP/271/12

October 7th, 2012

The National Human Rights Commission considers it necessary to bring to facts the autonomy and free determination of people with disabilities, which is one of the most important subjects that we as a Nation have.

To achieve their inclusion requires that society and government remove obstacles that have historically impeded exercise their rights. For the CNDH is a priority to bring into reality international standards agreed in the Convention on the Rights of Persons with Disabilities, within our Political Constitution and Legislation of matter.

Prevention is one of the most valuable resources to eradicate human rights violations for this group of society and inhibit behaviors that discriminate and affect people with disabilities. Therefore, the CNDH conduct an arduous task for dissemination and outreach. It has given workshops and training courses to those who have attended one million 300 thousand people. With these actions, the National Commission reiterates its commitment to continue working to consolidate a culture of full respect for the human rights of all people and offers the website <u>www.cndh.org.mx</u> and toll free 01800 - 715-2000.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_271.pdf

CNDH AND COLEF PRESENT LAW OBSERVATORY AND MIGRATION POLICY

CGCP/272/12

October 8th, 2012

The National Human Rights Commission implements actions, in order to know of alleged human rights violations committed against migrant population, Mexican or foreign, in order to protect and defend them, in addition to establishing policies, strategies and actions to continue to promote migrants human rights.

The CNDH, presented, in collaboration with

"El Colegio de la Frontera Norte", the *Law Observatory and Immigration Policy*, which arises from the need to develop an instrument for continuous study of laws and policies, related to migrants rights in México and in the United States.

This tool will be featured with informative maps. From map of state legislation 2010 - 2011 which is included in the Observatory, it follows that 25 states of the American Union have laws against migrants. With the Observatory is sought to strengthen promotion and protection powers that carries out the CNDH in migrants favor and will be available to political actors, academics, migrant population and their own organizations. The Observatory is available through portal <u>www.cndh.org.mx</u> and on the website http:// aplicaciones.colef.mx/ observatorio/.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_272.pdf

71 PERCENT GROWTH COMPLAINTS BECAUSE HUMAN RIGHTS VIOLATIONS

CGCP/273/12

October 8th, 2012

The National Ombudsman, Raúl Plascencia Villanueva lamented that despite our country's progress, in civil liberties terms in recent decades, México is still far from being a nation where rights are exercised fully.

He said that although regulations establishes greater human rights protection, there is an exponential growth in complaints number for rights violations; in fact, in the last 35 months, increase was 71 percent, while participating at Human Rights Commission installation session of the Republic Legislature LXII Senate.

Before senators integrating that Legislative Commission, the president of the CNDH stated that state and society institutions, witness a defining moment for country's direction, and corresponds to all take responsibility to bequeath to future generations a nation founded in human rights culture of respect and legality.

The National Ombudsman said that modernizing legal framework for the national education system is a high priority activity. He said that "the emphasis on prevention, mayor closeness to society, communication and collaboration between public, private and social, will be crucial to advance these efforts."

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MEXICAN MIGRANT SUPPORT CNDH

CGCP/274/12

October 9th, 2012

For the National Human Rights Commission is fundamental to support Mexican migrants who decide to leave the country in search of better opportunities.

Therefore, tasks are done to defend and promote human rights of migrants, both aliens crossing national territory regardless of their immigration status, as Mexicans are out of our country.

Receive complaints of alleged violations committed against Mexican immigrants.

The main complaints against Consulates and Embassies have been for improper public service delivery, lack of legality, honesty, loyalty, fairness and effectiveness in carrying out the tasks, jobs, positions, or commissions and delays in administrative procedures.

The commission reaffirmed the need to respect the human rights of Mexican migrants abroad, regardless of their immigration status and remember that Mexican consulates should provide advice and legal support, otherwise, the migrant or a representative may file a complaint at toll free from México, 01800 715 2000 and from the United States, 1888 889 70 80 or on the website <u>www.cndh.org.mx</u>.



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OCTOBER 11, INTERNATIONAL DAY OF THE GIRL CHILD

CGCP/275/12

October 10th, 2012

The National Human Rights Commission joins to the first International Day Girl Child, designated by the General United Nations Assembly in its resolution 66/170 of 30 March 2012.

According to information derived from complaints about human rights violations in which aggrieved are girls, and in accordance with United Nations, the National Human Rights Commission is concerned about, among other phenomena affecting girls and youngsters and that turn them into people especially vulnerable, all violence forms against girls such as sexual exploitation with commercial purposes and use in pornography; rape, sexual abuse, domestic violence, human trafficking.

The CNDH advocates to become effective, fully and urgently, rights granted to girls in Mexican law and international treaties, and to formulate and implement comprehensive public policies with participation of family, teachers, institutions, nongovernmental organizations and the community in general for survival, protection, development and advancement of girls in order to promote and protect their human rights full enjoyment and equal opportunities.



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CNDH AND FUNDACIÓN TELEFÓNICA A.C. JOIN FORCES PRO HUMAN RIGHTS

CGCP/276/12

October 10th, 2012

The National Human Rights Commission and Fundación Telefónica A.C., signed a general cooperation agreement, to join efforts in training, promotion and protection of human rights.

The agreement to launch new communication technologies, such as cellular telephony, for transmission of messages on human rights and thereby contribute to be known by population and to demand respect thereof. The National Ombudsman explained that for the CNDH is valuable to take advantage of new technologies and significant effort of Fundación Telefónica México to also face children and young people problems and to ensure their access to education.

Meanwhile, Giovanna Bruni Mondolfi, indicated that Fundación Telefónica conducts various programs, especially socalled Pro Child, which benefits 100 thousand Mexican infants and many thousands more over 13 countries in which have achieved infants leave their jobs and can study. In turn, Francisco Gil Díaz, reiterated company's support in fight for human rights respect, said that have, as principle action to promote, at all times, respect for human rights and promotion of equal opportunity to fair and impartial treatment.

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HUMAN RIGHTS SHOULD GUIDE SOCIETY AND GOVERNMENT

CGCP/277/12

October 11th, 2012

The National Ombudsman assured we are at a crucial time to consolidate and entrench human rights in Mexican society, "if everyone does his share as a citizen or public servant, we can translate that old desire to respect human rights a reality."

He said time arrived for human rights to guide society and government to work by the hand and get Mexican population desires achieve full development with justice, equality, security, education, health and employment, by leading the General Cooperation Agreement signing, between the CNDH, the State Human Rights Commission and Campeche Autonomous University.

He stated that this agreement signing will translate immediately in concrete actions as training courses, specializations sharing, masters and postgraduate programs to promote university students emergence and more and better prepared public servants for our country's present and future challenges. He also, gave at the Campeche Autonomous University, magisterial conference "Human Rights and Education".

Previously, he participated in the forum "The Legislative Harmonization on indigenous matters". He also attended General Collaboration Conventions signing between the CNDH, Campeche's Human Rights Commission and Civil Society Organizations.

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ACTION\$ TO COMBAT HUMAN TRAFFICKING

CGCP/278/12

October 12th, 2012

The National Human Rights Commission considers human trafficking one of the worst XXI century social assaults.

Those who incur in commission of this crime inflicted cruel humiliation to millions of people worldwide, while their victims are stripped of their freedom, their projects and their capabilities to realize them.

So far this year, the CNDH has conducted 106 training actions in Chiapas, Baja California, Baja California Sur, Quintana Roo, Veracruz, Campeche, Morelos, Oaxaca, Sinaloa, Nuevo León, Nayarit, Sonora, Hidalgo, Puebla, Guerrero, Jalisco, San Luis Potosí, Tabasco, Tamaulipas, Tlaxcala, State of México and the Federal District.

It has installed 13 regional committees throughout the country, which monitors law compliance by public servants.

The Committees are based on a territorial coordination, which strengthens capacities of the three levels of government, civil society and national

RIGHTS VIOLATION AT DURANGO'S PENITENTIARY

CGCP/279/12

October 13th, 2012

The National Human Rights Commission issued Recommendation 47/2012, addressed to Durango State Government, for serious authority omissions in management and control of halfway house number 1 in entity capital, to detriment of prison population.

As a result of different violent events occurred inside prison, 10 inmates have died and eight others were injured. Conflicts range from fights, shootouts between criminal opposed groups up to women inmates protests against authority for not providing food.

After investigating complaints, the National Commission concluded that in facts human rights to life, personal integrity and safety, legality, legal certainty, dignified treatment and social reintegration of inmates were violated.

The National Commission confirmed that the State Public Security Secretariat is not adequately fulfilling guarantee function of inand international cooperation organisms, to work on measures for prevention human trafficking as well as protect and provide assistance to crime victims.

The National Commission has also encouraged massive campaigns to highlight and confront crime. Thus, is added to effort with civil society and authorities of the three levels of government to foster effective combat to human trafficking and promote appropriate care for victims.

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mates' life and safety in their custody in law terms.

So is requesting collaboration with this institution in complaint and preliminary inquiry initiation and processing, to be promoted with the Comptroller Secretariat of Durango State and State General Attorney, respectively, to investigate involved public servants performance.

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INTERNATIONAL DAY OF RURAL WOMEN

CGCP/280/12

October 14th, 2012 The National Human Rights **Commission committed** to equality and nondiscrimination principles, endorses at the International Day of Rural Women its duty to carry out human rights observance in general and women in particular, specifically those related with access to agricultural resources and finance to develop productive activities and earn credits in countryside as agriculturalists.

The CNDH has received some rural women complaints regarding Industrial Agricultural Units for Women (UAIM), which has guided them legally, because most of them have been controversies agricultural nature and between private, that have to do with possession. certification or regularization of plots in which such units are constituted, with trials at court to being stripped from their homes and, in other cases, the landowners' intention to alienate their right to land without their authorization and consent.

The National Organism considers that, as part of policies on equality between women and men, efforts must be redoubled in order to implement strategies tailored to rural women needs and develop interagency mechanisms that allow them greater integration to country's economic development.



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REDOUBLE EFFORST AGAINST UNACCEPTABLE ABUSE TO MIGRANTS

CGCP/281/12

October 15th, 2012

The National Ombudsman invited Mexican State Institutions to assume their responsibility to redouble efforts to protect migrants' human rights, by participating in *The Fifth National Migration Week* opening ceremony, and called upon Mexican society, to commit with, learn, support and respect human rights of those who travel through our country. He assured that abuses towards those people are unacceptable when democratic states congratulate themselves for human rights universalization.

Said that dignified treatment, equality, security and real access to exercise their liberties, are basic premises so they can have a better living condition and urged to denounce irregularities and abuses committed against them, because only thus we will achieve abate impunity. He also assured that the National Human Rights Commission will continue its work on protection, promotion and dis-

semination of migrants' human rights, with the conviction that it requires a joint effort to help them overcome their complex circumstances.



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CNDH INVESTIGATES AND SENDS GROUP OF VISITORS TO MICHOACÁN

CGCP/282/12

October 15th, 2012

As events' result this morning at teacher training colleges of Tiripetío, Cherán and Arteaga in Michoacán, the CNDH instructed that Assistance Program for Victims of Crime (Províctima) brigade, composed by lawyers, doctors and psychologists transferred to that entity to verify the existence of victims and check health conditions and legal status of detainees and review that human rights of others had not been violated. According to reports released by the media, Federal Police members and other security forces launched a simultaneous operative on three entity's schools, with aim of recovering vehicles ,apparently, retained by students without authorization of owners since last October 4.

Journalistic versions indicate that as a result of these events, there are more than one hundred students arrested, burned buses and patrols and an unknown number of people injured. At the time, determinations will be released that lawfully apply.

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TOWARDS DISABILITY, AN INCLUSIVE SOCIETY

CGCP/283/12

October 15th, 2012

The National Human Rights Commission urges actions to generate change in medical-welfare conception model to one of human rights related to people with disabilities.

This autonomous national organism affirms that although 5 million 739 thousand 270 people, 5.1 percent of México population, have a disability, remaining as one of the most vulnerable conditions groups in the country and world. In carrying out its functions, the CNDH promotes, protects and monitors respect and recognition to persons with disabilities rights and coordinates closely with civil society organizations and institutions related to the topic with firm intention to ensure rights to people with disabilities.

Therefore edited primer called "Five points to create an inclusive society", and in case of being victim of a human rights violation as a person with disability or known someone who is, you can go to the CNDH facilities, in Periférico Sur 3469, Colonia San Jerónimo Lídice, Magdalena Contreras, Mexico, D. F. or contact by phone: 56 81 81 25 and 54 90 74 00 toll free: 01.800.715-2000 email: <u>correo@cndh.org.mx</u> and <u>discapaci-</u> dad@cndh.org.mx.

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GREATER PARTICIPATION TO PREVENT HUMAN TRAFFICKING

CGCP/284/12

October 17th, 2012

The National Human Rights Commission recognized that despite significant progress made in the fight against human trafficking in our country, there is still a lot of work to be done.

To abate backlog in delivery of justice in this matter requires boosting furthermore society and authorities participation.

Therefore, it is essential to continue training public servants, especially those responsible for prosecuting crime and enforce the law, not only to achieve adequate crime prosecution and to punish conclusively those responsible, but to ensure adequate protection to victims and full respect for their human rights.

Through its *Program Against Human Trafficking* the CNDH performs different activities. It has trained more than 44 thousand 600 people, in order to promote crime prevention and crime reporting.

It has visited schools in all education levels to foster among children and youngsters responsible usage of new information and communication technologies.

Also, has performed in coordination with other institutions, *Crime Prevention Campaign on Human Trafficking*, which has been translated into various Indigenous languages.

This national autonomous Organism reiterates its commitment to join efforts with civilian and governmental organizations to protect society from this scourge.

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AIM\$ RECONSIDERATION OF NATIONAL EDUCATION PROJECT

CGCP/285/12

October 18th, 2012

Raúl Plascencia Villanueva, president of the CNDH, assured it is Mexican State obligation to provide an education based on respect for human rights, involves comprehensive goals rethinking and national education objectives project.

By participating in opening ceremony of the Human Rights Institute of Sonora State "Dr. Raúl Plascencia Villanueva", the National Ombudsman affirmed that in order that the constitutional reform gathers full force, must involve all interest, rigor, will and creativity not only for educational authorities, but teachers, professors, researchers and academic institutions managers.

Visited the Sonora University facilities, where he gave a lecture and led cooperation agreement signing between the CNDH, this university and State Commission. There suggested that promote human rights education is to go for a society whose members value persons dignity and in which law is applied always and all alike; a State whose authorities are law secured, as well as population.

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RPV: HISTORIC MOMENT TO CONSOLIDATE HUMAN RIGHTS CGCP/286/12 guided consciousness by respect It's nece

October 19th, 2012

The National Ombudsman, Raúl Plascencia Villanueva, assured that the present historical moment imposes the need to consolidate human rights as action starting point for all authorities and persons.

During opening ceremony of 37th Ordinary Congress of Mexican Federation of Public Human Rights Organizations (FMOPDH), Plascencia Villanueva asserted that in human rights matters should be commitment to prevention, in order to entrench a new guided consciousness by respect for human dignity.

He argued that it is imperative that people know that public servants of the three powers and levels of government are obliged to respect human rights, and inclusion of this topic in education programs and academics is also one of their rights.

He indicated that non Jurisdictional Protection and Human Rights Defense Organisms have duty set the standard in order to gather full force to new model reflected at Political Constitution since last year. It's necessary continuing promoting other areas such as state laws harmonization regarding recent constitutional reform and advance professionalism in new competition in labor matters



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INTERNATIONAL IMPORTANCE TREATIES IN LABOR MATTERS

CGCP/287/12

October 20th, 2012

By participating in the International Seminar opening ceremony "Work and Human Rights", Luis García López-Guerrero, CNDH First General Visitor, reiterated mission of this autonomous public organism to generate new selfconsciousness to public servants in the country.

Considered it necessary continuous training to these public servants in order to change not only the culture but awareness on respect for Mexican workers labor human rights.

He recalled on last year's human rights constitutional reform, the CNDH has now jurisdiction over labor matters.

It's useful for Mexicans with labor disputes and is empowered to monitor affairs with conciliation and arbitrage boards in order to be resolved promptly. In turn, Thomas Wissing, Director of International Labour Organization (ILO) for México and Cuba, pointed out that labor market uses human energy, based on human beings needs and motivations, such as security and equal treatment.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_287.pdf

PUBLIC POLICIES TO REINTEGRATE RIGHTS OF OLDER PERSONS

CGCP/288/12

October 21st, 2012

The CNDH considers necessary to promote public policies, models, reintegration programs and services to older persons, their human rights and to achieve abate any situation of abandonment, marginalization or inequality.

According to official figures, 10.1 million older persons currently live in México, nine percent of total population; and for every 100 households, 27 are comprised of at least one person 60 years and over.

The National Commission ensures that like other people, older persons have all found recognized rights both in our Political Constitution and in national and international legal systems.

Therefore was developed the newsletter "The Human Rights of Older Persons", in it are mentioned, 21 main rights for these people who are helpful and capable for having a life of their own and independent.

In the event that a public servant mistreats an older persons may file a complaint before the CNDH or, failing that, to the State Human Rights

Commissions, which counts with advice or counseling services. http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_288.pdf



INCLUSIVE SOCIETY TO MEET PERSONS WITH DISABILITIES

CGCP/289/12

October 22nd, 2012

The CNDH promotes actions favoring persons with disabilities inclusion, in order to create mayor opportunities in social, economic, sports and arts activities.

It is imperative that the Mexican Government warrants equal conditions to this population group.

For several years, human rights have entered a new

process in the international community, which aim is to recognize that all men and women have equal rights and obligations to society.

This is reflected in the Convention on Rights of Persons with Disabilities, adopted in December 2006 by the United Nations General Assembly.

This Convention has a fundamental purpose to ensure full and equal human rights for persons with disabilities. In case of being a human rights violation victim as a person with a disability or know someone who is, you can go to the CNDH, located in Periférico Sur 3469, Colonia San Jerónimo Lidice, Deleg. Magdalena Contreras, C. P. 10200, México, D. F. or contact by phone: 5681-8125 and 5490-7400 toll free: 01.800-715.2000; email: correo@cndh.org.mx, discapacidad@cndh.org.mx.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_289.pdf

MIGRANTS' HUMAN RIGHTS, A PENDING ITEM

CGCP/290/12

October 23rd, 2012

The CNDH considers that protection of migrants' human rights that cross our territory is an unresolved issue in regard to public policies in México. The Migration Law states that are entitled to administration and enforcement of justice and filing complaints when their human rights are violated.

The CNDH carries out visits to migratory stations to verify that facilities are adequate to house immigration detainees, which are provided with good quality food, equipment for personal hygiene and medical services; to ensure their safety, to be given dignified treatment; to allow access to their legal representatives and consular assistance.

In the first half of this year 42 complaints were attended because medical care was denied to them and medication delivery.

The CNDH reiterates its commitment to defend

human rights of all people living, visiting or roaming in our country, especially the most defenseless, so it offers toll free 01.800-715.2000 and website <u>www.cndh.org.mx</u> where they can file complaints for alleged violations of these rights 24 hours a day, 365 days a year.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_290.pdf

CNDH OPENS INVESTIGATION OF WATER WELLS IN CHIHUAHUA STATE

CGCP/291/12

NEWSLETTER

October 24th, 2012

The commission launched an investigation regarding National Water Commission and other authorities responsibility alleged for groundwater and surface water illegal extraction of river El Carmen in Chihuahua state, which affects about 64 thousand 727 inhabitants of Ahumada, Buenaventura, Namiguipa and Riva Palacio municipalities.

For the National Human Rights Commission is a priority to ensure fundamental equitable right and sustainable access to water resources for both, human consumption and agricultural use.

Given problem importance, Visitors from this National Organism have been present in affected communities in order to give due attention to the case.

The CNDH will monitor events punctually; will exercise its legal authority to ensure full respect for and promotion of human, social, environmental and economic rights. Will make necessary investigations and, in due course, will issue determination according to law.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_291.pdf





QUALITY EDUCATION FOR INDIGENOUS PEOPLE CGCP/292/12 approach, at different levels

October 25th, 2012

Education is an indispensable tool to build a fairer country, in where tolerance, peaceful coexistence and respect for human rights prevail.

It requires review and implementation of qualitative education system, that considers Mexican nation's multicultural characteristic in order to close education gap.

This education in and for diversity must have an intercultural approach, at different levels offered by the state and besides being bilingual at indigenous communities, respecting their right to basic education and high school, secular and free, as it is established in Constitution's third article.

This National Autonomous Organism calls upon government and society to respect human indigenous people rights and to give them necessary education with respect for their culture and traditions in order to progress and fully integrate to development that is achieving our country.



http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_292.pdf

PROMOTE EDUCATION FOR TOLERANCE

CGCP/293/12

October 27th, 2012

The CNDH believes it is vital to promote education for tolerance. The policies and educative programs should contribute to development of respect, understanding, solidarity and tolerance among individuals and their communities, to promote peaceful coexistence.

Through the newsletter "Human Rights and Tolerance", this National Organism, reminds that everyone is born free and equal in dignity and rights, without distinction of race, color, sex, language, religion, economic status, political orientation or of any other nature.

Tolerance, he says, means respect for ideas, beliefs or practices of others when they are different or contrary to their own, as well as recognition, acceptance and appreciation of cultural pluralism, forms of expression, the human rights of others and diversity of appearance, situation, behavior and values of all people.

Tolerance is closely linked to the duty of every person to respect human rights such as freedom, equality and eradicate all discrimination forms, therefore the CNDH considers necessary to promote respect, as part of culture, in a learning and internalization process thereof by everyone. The newsletter can be found on page <u>www.cndh.org.mx</u>.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_293.pdf

STOPPING VIOLENCE AGAINST CHILDREN

CGCP/294/12

October 28th, 2012

To abate serious problem of violence against children, requires joint efforts of parents, authorities and civil society in order to eradicate impunity and that will prevail, human rights respect of children and adolescents and society harmony.

For the CNDH is fundamental to adopt at homes, schools and the community, measures aimed to ensure that children and adolescents live and develop in a violence free environment. International organizations indicate that violence phenomenon against child population affected, worldwide, more than one billion children who are limited in their development.

This scourge has spread worldwide, and in some countries, child violence is entrenched in cultural, economic and social practices.

The National Commission considers institutions, authorities, parents and society as a whole must join forces to protect the integrity of more than three million minors that have entered the labor market in México; effectively meet principles of the United States of México Political Constitution and the Convention on Rights

of Child, to abate violence that disrupts rights and integrity of minors.



http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/COM_2012_294.pdf



CNDH SIGNS AGREEMENT WITH THE DEPARTMENT OF NATIONAL

CGCP/295/12

October 30th, 2012

The CNDH president Raúl Plascencia Villanueva, and the Secretary of National Defense (SEDENA), General Guillermo Galván Galván, signed collaboration agreement in order to develop training activities on respect for human rights and disclosure thereof.

The National Ombudsman said that given the conditions of insecurity in various states has required Mexican state response. He said it is constitutional obligation of federal authorities deploy their capacity to pursue and arrest the criminal groups that seek to impose their will, to subjugate population and commit all sorts of crimes.

He stressed that "law enforcement must always be conducted with rights respect for population and of those suspected of transgressing the law".

The agreement signing ceremony was held at SEDENA premises, where titleholder confirmed his commitment to redouble efforts so that their staff, comply their tasks efficiently with absolute respect for human rights.

He said in the task entrusted in order to give back to society the harmony and tranquility robbed by organized crime, had joined to its sectorial program a strategy to promote and strengthen a culture of respect for human rights, using as instruments training and education.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Comunicados/2012/ COM_2012_295.pdf

ARTICLE OF THE MONTH

Human Right:

Modern society has incorporated the culture of human rights, but not as much the one of civic duties

Joan Majó 31 OCT 2012 - 01:29 CET

In my college days, times of dictatorship, I was leader of the Cristià Grup in Defense of Drets Humans. I keep that momentum to defend the dignity and equality of all people. But I am increasingly severe when analyzing the role that a certain interpretation of human rights is playing in developed societies. Human rights are the result of modern revolutions. Societies before the nineteenth century were based on oppression and exploitation. There is talk of Greece as the cradle of democracy, but the vast majority of those living in Greek cities, were people without rights or enslaved as serfs in the Middle Ages. The achievement of equal rights for all men and women, is a recent struggle that must continue, as it has a long way yet.

This is not contradictory with think that the way in which human rights are integrated into the culture and habits of democratic societies and rich, is the origin of many of our problems and make it difficult to live together. Quoting five aspects:

Freedom's Sacralization. The greatest modernity democratic achievement is to give the individual his dignity, recognizing it as a subject of rights and guaranteeing the freedom to exercise them, which does not occur in predemocratic societies or dictatorships. But formulating policy and educational practice, usually forget the definition of limits of freedom, as if it were a sacred element. We've all experienced that life in community requests that freedom exercise is regulated and conditioned to not impede others freedom of. But it is hard to accept practical consequences about this.

Unlimited rights. It cannot be deny to anyone the "right to be happy," a right that rightfully is claimed often. But this right does not give freedom to act and do whatever you think might bring happiness, especially when it involves use resources to which everyone is entitled. Increasing resource limitations impose limits on rights, something that seems to be forgotten in most constitutions.

[...]

http://ccaa.elpais.com/ ccaa/2012/10/31/ catalunya/1351643360_992276.html

And Andrewski an

BOOK OF THE MONTH

Recognition and Protection of Rights Emerging in the European System of Human Rights

Author: Saura Estepà [et al.], Jaume Editorial: Editorial Dykinson, S.L. ISBN: 978-84-9031-019-9 EAN: 9788490310199 Year: 2012 Publication Place: Spain Collection: Human Rights and Law Philosophy Page Number: 396 Subject: law philosophy, hr international protection

The settled by European Court of Human Rights has acquired a special significance in determining the scope and content of fundamental rights established in different European jurisdictions, including the Spanish.

http://www.dykinson.com/book---Reconocimiento y proteccion de derechos eme rgentes en el sistema europeo d e derechos humanos---43064...1.html

RECOMMENDATION\$

RECOMMENDATION 57/2012

MATTER: About V1 case, Cuban nationality migrant

RE\$PON\$IBLE AUTHORITY:

National Migration Institute Commissioner

October 18th, 2012

The National Human Rights Commission initiated complaint file CNDH/5/2010/5219/Q, due that on September 22, 2010, at 14:30, T1 received a phone call from V1, Cuban nationality migrant. who was living at immigration station Siglo XXI in Tapachula, Chiapas, who commented that National Migration Institute staff took him to Tapachula airport to transferred him to México City since Aid to Refugees Mexican Commission (Comar) requested his presence.

T1 was victim's lawyer and in that capacity was aware that V1 had already been notified of refusal to grant shelter, so he had no pending appointments before aforementioned Commission, in addition, V1's term to submit revision appealing at injunction 1 expired that day, so T1 asked to talk to any of immigration officers who transferred the victim to let him know such situation, but the public servant stated that they will aboard flight at 15:55, per orders of Immigration Control and Verification Deputy Director.

At 19:00 pm same day, T1 went to the Siglo XXI immigration station, where was informed that V1 had been transferred. On September 24, 2010, V1 telephoned T1 and told him

that on the 22nd, immigration staff made him stay about three hours at the airport, who later on returned him to migratory station in Tapachula were they kept him for two more hours and that at 20:00 hours was taken to a dark street where he was held in a lights off van, without informing him at no time where he was taken, until September 23, around 4:00 hours was taken to migratory station located in San Cristóbal de las Casas, Chiapas.

In this context, on September 24, 2010, Q1, member of the Human Rights Center Fray Matías de Córdova, A.C. lodged a complaint before the National Human Rights Commission, therefore, this national organism asked to National Migration Institute to implement precautionary measures to prevent V1 be deported or transferred to another immigration assurance, and until complaint's investigation conclusion, which were accepted by authority.

Legal evidence analysis contained in mentioned complaint file, this national organism had sufficient evidence to prove violations to human rights to legality, legal certainty, access to fair trial, to be treated with dignity, integrity and safety, to V1 detriment, attributable to National Migration Institute civil servants, by consistent facts by omitting to implement effectively precautionary measures, inferring cruel, inhuman or degrading treatment as well as to obstruct free communication with his counsel

and obstruct his right to appeal a ruling court. As issued Recommendation 57/2012.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Recomendaciones/2012/ REC_2012_057.pdf

RECOMMENDATION 58/2012

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MATTER: About the case of inadequate health care in Family Medicine ISSSTE Clinic "B", Naucalpan, State of México, to detriment of V1

RE\$PON\$IBLE AU-

THORITY: The State's Employees' Social Security and Social Services Institute (ISSSTE), General Director

October 30th, 2012

The National Human **Rights Commission** initiated complaint file CNDH/1/2011/9077/O. since between months of October and November 2009, V1, a man of 43 years old, attended IS-**SSTE Family Medical Clinic** "B", Naucalpan, State of México, where he was diagnosed with clinical gastritis, spastic colitis and peptic ulcer disease, his health did not improve between March 16 and September 26, 2011, again attended consultation with AR1, AR2, AR3 and AR4, physicians attached to cited clinic, who added that he also had gastro esophageal reflux disease and aastro duodenal reflux: however, they dismissed alarm data showed by that time, coupled with that he didn't received adequate assessed nor reauiring studies, such as gastric endoscopy.

On October 17, 2011, AR2 diagnosed V1 with a clinically probable ascites, hepatomegaly and hypertension portal, to which was referred to Regional Hospital "B", High Specialty, "Bicentenario de la Independencia", also ISSSTE in Tultitlán. State of México. where after being assessed was discharged the next day; on the 19th of the same month and year, V1 attended to consult a private doctor who ordered an aastrointestinal endoscopy, which showed infiltrating adenocarcinoma of diffuse type with signet ring cells.

So, on October 21, 2011 the medical staff of Regional Hospital "B", High Specialty, "Bicentenario de la Independencia" ISSSTE, referred V1, to Medical Center "20 de Noviembre" of the Institute, in México City, where he was provided with palliative chemotherapy and analgesic management; but on April 18, 2012 the victim died, identified as causes of death at his death certificate acute myocardial infarction and six months of evolution malignant tumor in stomach body.

At date of this recommendation drafting it hasn't been recorded any preliminary investigation launch or other proceeding related to these facts.

From evidence set legal analysis that integrated the cited record, the National Organism had elements that allowed evidence human rights trans-

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Recomendaciones/2012/ REC_2012_058.pdf

gressions to health and life protection, to V1 detriment, attributed to AR1, AR2, AR3 and AR4, doctors attached to ISSSTE Family Medical Clinic "B", in Naucalpan, State of México. As issued Recommendation 58/2012.

NEWSLETTER

RECOMMENDATION 59/2012

MATTER: About the case of V1's illegal retention and torture, in México City

RESPONSIBLE AUTHORITY:

Federal Public Security Secretary

October 30th, 2012

The National Human Rights Commission initiated complaint file CNDH/1/2011/5230/Q, due that on March 30, 2011, within Preliminary Inquiry No. 1, the agent of the Federal Public Ministry assigned to Specialized Hijacking Research Unit belonging to SIEDO, issued localization resolution and presentation against V1.

As far on May 23 that year, being approximately 17:00, V1 was arrested by AR1, AR2, AR3 and AR4, Federal Police elements, belonging to Federal Public Security Secretariat, who until next day at 03:00 am, put him at disposal of aforementioned ministerial authority.

However, the mentioned public servants before putting V1 at disposal of ministerial authority, moved him to a building where was subjected to physical and psychological violence, with aim to obtain information and to confess his participation in committing various crimes.

Subsequently, on July 21, 2011, Preliminary Investigation No.1 was handed over to Twelfth District Court in the State of México, residing in Nezahualcóyotl, under Criminal Cause No. 1 and turned arrest warrant against victim, who currently remains internal in Federal Social Rehabilitation Center No. 5, "Oriente", in Villa Aldama municipality, Veracruz state, who is in process.

Now, for what has been done to grievances committed by AR1, AR2, AR3 and AR4, elements of the Federal Police, against V1, at date of preparation of this recommendation has not been constancy in sense that it had initiated a preliminary investigation or procedure.

Legal body evidence analysis that integrates mentioned file, the National Organism accredited rights violations to freedom, integrity and personal safety, fair treatment, legality and legal certainty to detriment of V1, attributable to public officials in the Federal Police belonging to Federal Public Security Secretariat, so issued Recommendation 59/2012. PAGE 15

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Recomendaciones/2012/ REC 2012 059.pdf

RECOMMENDATION 60/2012

MATTER: About the case of violation of human rights on legality and legal security in detriment of 478 FOVISSSTE rightful claimants

RE\$PON\$IBLE AUTHORI-

TIES: Board Directors' Members of the State's Employees' Social Security and Social Services Institute (ISSSTE); Members of Fund Housing Executive Committee of the State's Employees' Social Security and Social Services Institute (ISSSTE); The State's Employees' Social Security and Social Services Institute (ISSSTE), General Director

October 31th, 2012

The National Human Rights Commission, initiated complaint file CNDH/4/2011/6822/Q on August 17, 2011, derived from investigation of 150 written complaints signed by 478 workers employed by state, Housing Fund accredited from The State's Employees' Social Security and Social Services Institute (FOVISSSTE), who pointed out that between 2005 and 2008, FOVISSSTE issued calls addressed to ISSSTE workers rightful claimants, concerning draws to obtaining a credit mortgage in housing acquisition with traditional scheme, in order to register their application under random selection process.

In accordance with "Rules for Granting Credits for Housing to ISSSTE rightful claimants Workers", force in aforementioned period, plaintiffs benefited with housing loans, by themselves or through their union representatives, hand over documentation required to different limited purpose finance companies (SOFOLES), authorized to formalize credits, in order to integrate respective file, which will be reviewed and collated by FOVISSSTE. In complaint writings aggrieved noted that in due time they got to know draw results, reliability credit requirements and time limit to exercise.

Subsequently, they chose housing according to authorized amount and handed for subsequent processing to ISSSTE delegations in the country or to SOFOLES selected by workers, required documentation by Housing Fund.

After ending selection process of each house, aggrieved signed before public notary property deeds, in which it was established that credit payment would be 30% of worker's base salary in accordance to ISSSTE's Law, in a 30 years term, or 720 fortnights payment effective, counted from date of property deed signing.

However, during 2011 course some complainants stated while checking their statements via FOVISSSTE website, they realized that they had been given a larger credit to their share according to their wage income.

Other complainants said that cited housing organism argue, that loan had been higher; they increased discount rate via payroll, which reached up to 50% of base salary.

Moreover, some complainants indicated that they were delivered summonses issued by the Attorney General of the Republic, on the ground that the Internal Control in the Housing Fund as well as the ISSSTE filed complaints against them, considering that they probably exhibited false or altered documents to obtain a bigger mortgage credit than their legal due according to their monthly income.

Legal analysis of body of evidence cited in file and its cumulated, in accordance with Law Article 41 the National Human Rights Commission, observed that were violated legality and legal certainty human rights in grievance of the 478 people who filed complaint with the National Commission, attributed to public servants Housing Fund of the State's Employees' Social Security and Social Services Institute (FOVISSSTE), for violations facts consisting of credits illegal collection and lack of legal certainty regarding ownership and possession of property acquired. As issued Recommendation 60/2012.

RECOMMENDATION 61/2012

MATTER: About the case of Elementary School students "Club de Leones", belonging to Education Secretariat in Michoacán state

RESPONSIBLE AUTHORITY:

Constitutional Governor of the state of Michoacán

October 13th, 2012

The National Human Rights Commission initiated complaint file CNDH/1/2011/8326/Q due to September 23, 2011 events at Elementary School "Club de Leones", where a sixth grader from that campus reported to teacher AR1 that she had lost \$ 180.00 pesos, considering this, cited public servant told the group students that she will call the police to revise them with their tracking dogs; subsequently, AR1 asked the 37 students who made up the group under her charge, to revise their backpacks among them, but missing money didn't appear.

The teacher required presence of Elementary School Principal AR2; AR1 and AR2, forbade students come out to recess, closed classroom's windows, curtains and doors, ordering them to walk in circles in order that the person who had the money will winnow it; situation, according to claims of some, caused a girl become dizzy.

Now, since money was not found, AR2 instructed AR1 to send her office female students in groups of five in order that she could revise them and do same with male ones, in order that the teacher in charge of Media Classroom AR3 could inspect them.

Therefore, on September 27, 2011, the State Human Rights Commission of Michoacán, knowing such events, by articles published in various media, initiated opened file CEDH/MICH/01/321/09 / 11-II, in which were accumulated complaints filed by Q1, Q2, Q3, Q4, Q5, Q6 and Q7, parents; in addition, next day, the director of nongovernmental organization "Solidaridad Ciudadana, Derechos Humanos", filed complaint notice before the CNDH.

In virtue of the above, and given that facts transcended federal entity interest and affected national public opinion, because it is an issue that involved, at least 37 children, on October 5, 2011, the National Commission, on basis of Law Articles 60 on National Human Rights Commission and 14 of its Procedure Rules, power exercised Attraction to attend them.

Events led into an administrative procedure, which file number was not provide, as follows: Single Administrative Procedure. On October 25, 2011, AR7, Legal Liaison at Education Secretariat in Michoacán state, quoted AR1, AR2 and AR3, at area offices in School Supervision Number 246 of Elementary Education, in order to treat topic related to his alleged administrative responsibility.

On December 10, 2011, the commission in charge of case made up AR4, Zone No. 246 school supervisor Elementary Education. AR5, Human Rights Area Deputy Head, AR6. Legal Counsel and AR7. Michoacán Education Secretariat Legal Liaison, issued a judgment in which is decided: 1) Request to AR1, teacher of the Elementary School "Club de Leones", that henceforth let no discipline is warranted pedagogically unsound disciplinary measures applied against her students, and let her decide on further action seeking to apply, adhering No. 96 Agreement contents, governing Organization and Operation of Elementary Schools. 2) AR2. Director of Elementary School "Club de Leones", bears any responsibility in checking on girls and for ordering AR3, teacher in charge of Media

Classroom to do same with the boys, stating that such public servant applied pedagogically unsound disciplinary measures, therefore a warning turned against her, notifying that under no circumstances should practice exhaustive searching to students.

3) Turn ex-officio to AR3, teacher in charge of Media Classroom, urging him to refrain from taking actions such as those taken on September 23, 2011, and for future cases to analyze whether intended disciplinary measures to be established are adhere to content of cited Agreement.

For what it did to grievances committed against victims, at date of preparation of this recommendation has not been constancy in sense that had been initiated preliminary investigation related thereto.

From Legal analysis performed to set of evidence integrating mentioned file, this National Organism counted with elements that allowed human rights violations evidence to decent treatment, social development, education, integrity and personal safety, as well as to child interests, to the detriment of students of Elementary School "Club de Leones", located in Michoacán state. attached to Education Secretariat in that state; attributed to public servants of this dependence. As issued Recommendation 61/2012.

http://www.cndh.org.mx/sites/all/ fuentes/documentos/ Recomendaciones/2012/ REC 2012 061.pdf





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