



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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NOVEMBER, 2012

## The Voice of the President

**Words of Dr. Raúl Plascencia Villanueva, president of the National Human Rights Commission, at seminar's inauguration event: "Programs of Caution and Instances of Protection for Women Victims of Violence"**

**Chihuahua, Chihuahua**

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

Mr. César Duarte Jáquez, Constitutional Governor of Chihuahua state.

Mr. José Luis Armendáriz González, President of Human Rights Commission of Chihuahua state.

Ladies and gentlemen.

It is a pleasure our meeting here today. I am grateful to state and municipal authorities for provided support to National Human Rights

Commission to conduct this Seminar, as well as to José Luis Armendáriz González, President of State Human Rights Commission. Particularly welcome presence and spirit of collaboration of with César Duarte Jáquez, Governor of Chihuahua state.



As you all know, last September this public organism, that nationwide I lead, launched campaign "Unite for human rights to eliminate violence against women in México," which framed a set of strategies aimed at the national

level to prevent and eliminate this shameful scourge of our society and which adhere to the UN Global Campaign conducted since 2008.

The Seminar will be verified today, you join this new effort of the National Commission to sensitize Mexican society and to add efforts against violence towards women and give them guidance, dissemination, protection and defense.

It is encouraging to witness participants' large variety, who have gathered in this Forum, women and men, representatives of various civil society organizations, experts and academics, legislators, human rights advocates, and public officials interested in the subject.

This article can be accessed through: <http://www.cndh.org.mx/Discursos>

## Event of the Month

**Dr. Raúl Plascencia Villanueva participation in the Forum "The Consumer Society and Human Trafficking: Challenges and Prospects in México"**



## PRESS RELEASES

### MAKE EFFECTIVE RIGHTS OF OLDER ADULTS MAKE EFFECTIVE RIGHTS FOR OLDER ADULTS

**CGCP/296/12**

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

The national Ombudsman endorses the commitment to promote and enforce older adults' rights, in work, family, political and social field.

By leading collaboration agreement signing ceremony between the National Human Rights Commission and Organizations for Older Adults, retirees and pensioners National Network, A. C. (RENORAMJUP), Raúl Plascencia Villanueva expressed his admiration

and appreciation to older adults, same that must be made compatible with concrete actions resulting in better living conditions for all.

For this reason, sustained institution's commitment to those who have delivered most of their working and productive lives to our country development, to support and serve them pushing those causes that are of their benefit.

For the CNDH is very important endorsing links with civil society organizations. Among them, networks that provide support

to older adults and which labor is essential, as it allows to join efforts to intensify respect actions promoting, inclusion and the valorization of older people rights, in order to overcome challenges of marginalization labor, family, political, economic and social, facing in our country.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_296.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_296.pdf)

### GUARANTEE EQUALITY TO WORKING MOTHERS

**CGCP/297/12**

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

Despite that constitute 27.5 percent of employed population and that are protected by Mexican laws and international treaties signed by our country, working mothers continue to be victims of violence, inequality and injustice, according to Employment and Occupation National Survey (ENOE) of 2012 second quarter, drafted by the National Institute of Statistics and Geography (INEGI).

Therefore, for this public autonomous Organism is essential to enhance women revaluation in general, but especially those who are working mothers, therefore, performed a joint work with authorities and civil society in order to enforce their rights to health, education and work.

From January to September this year, the CNDH handled 609 complaints, of which 222 were for alleged right violations to equality between women and men.

The National Commission responds to alleged women rights violations complaints, in accordance with its competence, formulates proposals for conciliation and Special Reports to demonstrate inequalities that prevent women development under equality conditions.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_297.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_297.pdf)

### CNDH'S HOUSING IN MATTERS ACTIONS

**CGCP/298/12**

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

For the National Human Rights Commission is essential to ensure families, access to dignified and decent housing, in accordance with article 4<sup>o</sup> of the Political Constitution of the United States of México.

It is therefore essential Mexican State participation in design and public policies implementation that guarantee to people right to housing in decent conditions and in an environment conducive to family life.

The CNDH performs protection actions, defense and promotion of social security rights in of housing matter, in particular cases as beneficiaries of FOVISSTE and INFONAVIT.

In the period between January and September 2012 received 313 complaints against aforementioned institutions, of which 46 were granted direct guidance, and other 60 were forwarded to the housing authority for the appropriate attention.

Of the remaining 207 complaints, 108 have been

completed covering plaintiffs or aggrieved expectations, and 99 cases are still pending.

The CNDH reaffirms its commitment to defend and promote human rights, and makes available to general public toll free 01 800 715 2000, as well as their electronic page [www.cndh.org.mx](http://www.cndh.org.mx), in which you can request information or submit a complaint if their rights were infringed by any authority.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_298.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_298.pdf)

## INCREASE EFFORTS TO COMBAT HUMAN TRAFFICKING

**CGCP/299/12**

November 4<sup>th</sup>, 2012

For the CNDH it is important to attend, on a priority basis, human trafficking.

A global problem that violent human rights and prevents integral development of people and community.

In order to contribute to victims' protection and assistance and monitoring Law compliance by public servants, this national autonomous Organism drove 16 regional commit-

tees against human trafficking installation at different country points.

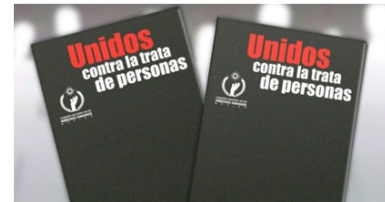
It must create campaigns and awareness-raising about human trafficking problem; by eradicating practices and xenophobic and discriminatory speeches.

Carry out measures to social, educational, legislative, economic, political and cultural to curb demand that fosters people exploitation.

It also recommends that work to combat the structural prob-

lems such as poverty, corruption, impunity and inequality and create programs to foster social reintegration of victims of that crime.

In México, the most vulnerable people are girls, children, women and undocumented migrants, among others.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_299.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_299.pdf)

## SHOULD BE RESPECTED RIGHTS OF INMATES WITH HIV OR AIDS

**CGCP/300/12**

November 5<sup>th</sup>, 2012

The CNDH drives mechanisms to prevent persons with Human Immunodeficiency Virus (HIV) or AIDS to be discriminated. For this reason, edited the newsletter "The Human Rights of people living with HIV or AIDS in imprisonment", in which it holds that living with HIV or AIDS should not be the reason for restricting people rights.

During present year, this national autonomous Organism

found in visits to 101 state prisons and Federal District, a total of 856 persons living with HIV or AIDS.

Detention centers that have highest inmates number in this condition are located in: Baja California, with 79; Jalisco 75; Veracruz 58; Sonora 53; Tamaulipas 40; Chiapas 36; Baja California Sur 23, and Distrito Federal with 160.

The newsletter, "The Human Rights of people living with HIV or AIDS in imprisonment" contains ten points focused on detailing rights of people living

with HIV or AIDS in prisons in our country.

In case of any authority that violates any of the rights set forth, the affected in confinement may be heard by the CNDH visitors attending the respective detention center, or well, may file a complaint through a friend or family member in the National Human Rights Commission.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_300.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_300.pdf)

## AUTHORITIES MUST COMPLY WITH RECOMMENDATION IN AYOTZINAPA CASE

**CGCP/301/12**

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

The CNDH believes that should be fully implemented the Recommendation 1/VG/2012, serious human rights violations, in facts recorded on December 12<sup>th</sup>, 2011, in Chilpancingo, Guerrero, where two students died and a petrol station dispatcher.

This is the case of the rural teacher training college Ayotzinapa. The cited Recommendation, prepared on March 27<sup>th</sup> of this year, was addressed

to the Government of Guerrero, Public Safety Secretariat and Board of Directors of the LIX Legislature of the Local Congress.

In Recommendation 1/VG/2012, the CNDH determined that there were serious human rights violations and that public documentary, with full efficiency demonstration, is sufficient, to declare proper political judgment and order appropriate sanction to former public servants concerned.

The National Commission calls upon government of Guerrero State, Public Safety Secretariat and Board of Directors of LIX Legislature of the Congress, to assume its commitment to legality and respect culture for Mexicans human rights, and fulfill in terms and conditions set forth in Recommendation 1/VG/2012.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_301.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_301.pdf)

**CNDH SIGNES COOPERATION AGREEMENT WITH JORDAN****CGCP/302/12***November 7<sup>th</sup>, 2012*

Raúl Plascencia Villanueva, president of the National Human Rights Commission in México, participated at the XI Biannual International Conference, of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), in Ammán, Jordan, attended by more than 90 representatives of these Organizations from all world regions.

In context of this Conference, in his capacity as Finance Committee Chairman of ICC and responsible

for organization's financial restructuring, presented before this world organization report on developed work in 2012.

During that Conference, the national Ombudsman participated with paper *Violence against Women and Sexual Harassment*, in which he raised the need to implement educational policies that privilege the non-discrimination and support for respect values for all people's dignity regardless of gender, social status, age, nationality or religion, among others. In this context, the CNDH president, and its similar

of the National Center for Human Rights of Jordan signed a collaboration agreement.

At the end of the XI Conference will adopt a "Declaration of Amman and its Program of Action", which will establish guidelines that will have to follow the National Human Rights Institutions with the purpose of strengthening promotion and human rights protection of women and girls as well as gender equality.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_302.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_302.pdf)

**PATIENT DIES AFTER TWO YEARS OF WRONG DIAGNOSTICS****CGCP/303/12***November 8<sup>th</sup>, 2012*

The CNDH issued 58/2012 Recommendation addressed to the State's Employees' Social Security and Social Services Institute (ISSSTE), regarding case of 43 years old patient who died of malignant tumor in stomach, after a string of incorrect diagnosis that he was assured that his illness was a simple gastritis, colitis, acid peptic disease, or gastroesophageal reflux.

For more than two years, doctors from Family Medicine Clinic "B" in Nau-

calpan, México State, rejected symptoms, history and alarm data, in addition to omitting necessary studies to diagnose properly.

It was not until the rightful claimant went to consult with a private physician, when he learned that his health was delicate.

The patient was valued again by staff attached to High Specialty Regional Hospital "B" "Bicentenario de la Independencia" in Tultitlán, México State, and was sent to the Hospital "20 de Noviembre" where he was given medi-

cal attention, but derived from the serious state of his health, he died.

Victim's relative lodged a complaint with the CNDH, that with body of evidence that it integrated its research, found sufficient evidence to determine that with their performance, doctors in Family Medicine Clinic "B", violated human rights to health protection and to victim's life. Recommendation 58/2012 can be consulted in page [www.cndh.org.mx](http://www.cndh.org.mx).

<http://www.cndh.org.mx/sites/all/fuentes/documentos/>

**CNDH INVESTIGATES DISAPPEARANCE OF CELEDONIO MONROY PRUDENCIO****CGCP/304/12***November 9<sup>th</sup>, 2012*

The CNDH attracted complaint file opened by its counterpart in the Jalisco state, relating to disappearance case of Mr. Celedonio Monroy Prudencio.

From moment in which it was knowledge of the facts, this national body has had constant communication with the State ombudsman, in order to coordinate early performances and collaborate

institutionally, with aim of preserving victim's rights; as well as to verify that corresponding authorities carry out their search and localization and investigate facts.

As lawyers, doctors and psychologists of the CNDH moved to that entity, to provide legal and psychological care to victim's family.

The National Commission regrets that will continue to commit wrongs against civilian human rights defenders in the country, but

more concerned that such facts are not investigated and go unpunished; consequently, it appeals to Mexican State authorities to carry out necessary protection measures and defense of their human rights.

After investigations completion, will issue determination under applicable law

<http://www.cndh.org.mx/sites/all/fuentes/documentos/>



## VIOLENCE IN GRIEVANCE OF BOYS AND GIRLS OF MICHOACÁN

**CGCP/305/12**

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

The CNDH issued 61/2012 Recommendation addressed to Michoacán state government in elementary school case "Club de Leones", located in Michoacán, belonging to the Education Secretariat in that entity, in which, according to students' testimony, a girl reported to her teacher loss of 180 pesos, for what she said she will call the police in order that the children will be reviewed.

Forced them to remain seated, without moving, with downward gaze and arms in head; then they were asked to revise backpacks.

Together with primary school director, forbade students leave to recess.

Due to the fact that money didn't appear, at her office director instructed students in for review and children were inspected by a professor.

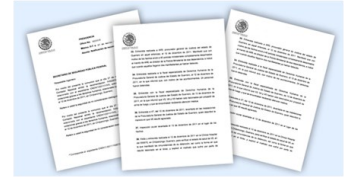
The director asked girls to remove their shoes, socks, and sweaters and introduced her hand in their blouses bags, jumpers, and short pants and told them to lift up their uniforms to the waist.

The group of boys went to the salon medica, where a teacher, in presence of the concierge,

ordered them to remove their sweater, shirt and pants, a circumstance that led the teasing of the concierge.

The CNDH noted that Education Secretariat public servants disrupted, in students' grievance, their rights to be treated with dignity, social development, education, integrity and personal safety, as well as to the superior interests of the child. The full text of the Recommendation 61/2012 can be consulted in the page. [www.cndh.org.mx](http://www.cndh.org.mx)

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## PROTECT FUNDAMENTAL RIGHTS OF CHILDHOOD

**CGCP/306/12**

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

The defense and promotion of human rights, mainly of the vulnerable groups, such as girls and boys, are the keystone of the CNDH.

The aim of protecting rights of children is giving them the opportunity to have integral development that will help them to enjoy a better life quality.

Mexican law also emphasizes this heading; the fourth article

of the Political Constitution of the United States of México notes that girls and boys have the right to full satisfaction of their needs for food, health, education and healthy recreation.

It also indicates that parents, tutors, and guardians have the obligation to preserve and enforce these rights, and that State should provide and comply with child's best interest principle in all its decisions and actions.

From January to October this year, the CNDH attended thousand 312 complaints of alleged violations of children human rights; the majority were related to the service of education improper operation, lack of respect for rights of people with some type of disability, negligence and refusal to provide medical care.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_306.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_306.pdf)

## RECOMMENDATION FOR SSPF BY CASE OF TORTURE TO A CITIZEN

**CGCP/307/12**

November 12<sup>th</sup>, 2012

The CNDH has issued its Recommendation 59/2012, addressed Public Federal Security Secretariat (SSPF), by a 36 years old citizen case that was tortured by elements of the corporation in order to make him confess his participation in various crimes commission.

The next day of his detention, federal police elements placed victim at disposal of Federation

MP agent in facilities of then General Attorney's Assistant for Specialized Investigation of Organized Crime Office (hereinafter SIEDO), belonging to the Office of the Mexican Attorney-General (hereinafter PGR).

Therefore, the same day, the victim lodged complaint with the National Human Rights Commission, institution that, after analyzing set of evidence that were integrated into file CNDH/ 1/2011/ 5230/Q, counted with elements that allowed him to prove rights

violations to freedom, integrity, and security staff, decent treatment, legality and legal certainty.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_307.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_307.pdf)

**PROMOTE HUMAN RIGHTS OF MIGRANT CHILDHOOD****CGCP/308/12***November 13<sup>th</sup>, 2012*

The National Human Rights Commission considers it necessary to strengthen government's actions to ensure child migrants safety and protection, since they are frequently exposed to aggression, physical or sexual abuse and up to life loss in their journey.

From January to October this year conducted a thousand visits to 148 migratory stations in where 31

thousand 117 people were assisted; derived from which began 301 complaint files.

In these visits took place five thousand 843 demarches, before migratory stations authorities, in favor of the insured with the purpose of providing them with food, medical care, supplies, personal hygiene, information on its legal status and access to telephone communications.

There were also 381 visits to places in which there is high migrants' concentration

such as airports, bus terminals and train stations, border crossings and revision points, in order to gather testimony and, in its case, to initiate respective complaint files. In these visits were assistance provided to five thousand 197 people and 37 demarches were made to various authorities.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_308.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_308.pdf)

**STRENGTHEN HEALTH AND EDUCATION AMONG ADOLESCENTS****CGCP/309/12***November 14<sup>th</sup>, 2012*

The CNDH considers essential to strengthen public policies that permit youngsters human rights to be known and respected, like enjoying a better life quality in a safe free environment from violence.

It is essential to undertake necessary actions to provide this group of people with opportunities to study

and access to working world with fair remuneration.

Some young people, who participated in a national survey, felt that the main problems are lack of job opportunities, any addiction risk and social insecurity environment.

They considered that lack of preparation, personal appearance and inexperience, are factors that prevent your access to labor market.

Through Child and Family Affairs Program, from January to October of this year, this National Commission carried out 109 forums, conferences and training events, attended by 13 thousand 258 people.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_309.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_309.pdf)

**JOIN EFFORTS TO ADDRESS VIOLENCE AGAINST WOMEN****CGCP/310/12***November 15<sup>th</sup>, 2012*

Raúl Plascencia Villanueva, president of the CNDH, called upon to put aside silence and indifference to deal with violence against women phenomenon, fact that is still present at everyday life, during seminar "Programs of Care and Instances of Protection for Women Victims of Violence", in auditorium "Claustro de Maestros" of Law Faculty at Chihuahua's Autonomous University.

He said that it is possible

to transform inequality, discrimination and intimidation spaces, in forms of life for women, with laws implementation that protect their right to life free of violence.

On the other hand, while carrying out a visit to the Social Rehabilitation Center number 1 of the entity, which achieved Correctional American Association (ACA) certification for having complied with required standards to do so, the Ombudsman commented that it is fundamental designing of comprehensive public policies and articulated to ensure full compli-

ance to constitutional mandate, which establishes that respect for human rights, labor, education, health and sport, are basis for achieving inmates social reintegration.

The State, he said, must establish a regime for penalties enforcement to ensure people safety and decent stay conditions, regardless of their legal situation.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_310.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_310.pdf)



## MAKE EFFECTIVE CULTURAL RIGHTS

**CGCP/311/12**

November 16<sup>th</sup>, 2012

The national Ombudsman, Raúl Plascencia Villanueva, call upon society to persevere in fight to make effective cultural human rights such as copyright, since creation process must be fully recognized and royalties' payment translated in a full reality.

The president of the CNDH headed an agreement for co-operation signing ceremony between the Organism, the National Union of Copyright

Societies and Related Rights, the Society of Authors and Composers of México, and the Art Down Foundation A.C.

The ceremony took place at Províctima Auditorium, filled with artists in different disciplines among them stood out a group of plastic artists children with Down syndrome.

Before them, Plascencia Villanueva said that in country's current dynamics, we are able to identify new times; and this, he said, "it is time of human rights, and time to translate them into results".

He made a recognition to children's mothers, there present, by your daily effort, to realize happiness right of their children that is, without doubt, a human right.

They were told that human beings aspiration is to be happy, is recognized at international instruments and we must make necessary efforts to ensure that all achieve that this aspiration become a tangible reality.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_311.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_311.pdf)

## WILL AND WORK TO ERRADICATE DISCRIMINATION

**CGCP/312/12**

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

Discrimination is a social phenomenon which violates the dignity, human rights and people's fundamental freedoms.

Therefore, the CNDH is committed to disseminate discrimination effects and highlight the right to non-discrimination, in order that all people enjoy all human rights characteristic of democratic societies and eradicate discriminatory practices.

Discriminate means to select and exclude, which involves giving inferior treatment to individuals or groups because of their ethnic or national origin, religion, age, gender, views, political and sexual preferences, health conditions, disability, marital status or another cause.

Through primer "The Discrimination and the right to non-discrimination", the National Commission explains that exclusion is concrete manifestation, individual or collective denial of equality principle and is one of the greatest obstacles

in full exercise advancing of human rights.

In primer the CNDH recommends to discrimination victims by federal authority, attend to pursue their complaint at its offices, located in Periférico Sur 3469, Colonia San Jerónimo Lídice, Magdalena Contreras, C. P. 10200 México, D. F. Tel. : (55) 56 81 81 25, Lada without cost: 01 800 715 20 00, electronic page: [www.cndh.org.mx](http://www.cndh.org.mx)

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## ACTIONS TO ERADICATE CHILD ABUSE

**CGCP/313/12**

November 18<sup>th</sup> 2012

The National Human Rights Commission believes that we should promote complaint of those behaviors and illicit activities that threaten children and adolescents well-being.

To commemorate, this November 19, the *World Day for Prevention of Abuse against Children*, this national Organism points the need to promote actions to protect them from all kinds of aggression.

Figures from the World Health Organization indicate that nearly 150 million girls and 73 million children around the

world have been victims of some form of sexual abuse.

Against this background, the CNDH Program on Childhood matters and Family develops activities to meet this vulnerable population group. From January to October this year, have been carried out 109 forums and conferences in educational institutions to promote and disseminate children and adolescents human rights.

Those have been attended by 13 thousand 258 people. With talks and workshops social networks proper use has been promoted, so that they can learn how to protect their personal and family data, so they are

not crimes victims such as human trafficking, child pornography, identity theft and kidnapping.

The World Day for Prevention of Abuse against Children emerged in 2000 as an initiative of Women World Foundation Summit to create awareness about this problem and offer protection alternatives.



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**GAURANTEE THE RIGHT OF WOMEN TO EDUCATION****CGCP/314/12***November 19<sup>th</sup>, 2012*

Education is a fundamental human right that gives people opportunity to obtain knowledge and skills that can generate more opportunities to enter labor market to achieve a better living standard.

In spite of fact that there has been an increase in women participation in different spheres, discrimination, poverty and marginalization limit full exercise of their rights,

such as access to education, which cause a lag in relation with the opposite gender.

Data from the United Nations for Education, Science and Culture Organization (UNESCO) indicate that in the world, there are around 793 million adults who cannot read or write, this is equivalent to almost one fifth of total adult population; 528 million 666 thousand women, representing nearly two thirds of this group, are illiterate, and the majority of them living in Asia and Africa.

From 1990 to 2010, in México, illiteracy in this population's group fell from 15 to 8 percent, meaning that three million 256 thousand women in this age range, do not know how to read and write.

Before this, the CNDH considers it appropriate to implement public policies that guarantee women the opportunity to have access to quality education, as is their right.

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

**URGENT MEET SCOPE OF PUBLIC SAFETY OF THE COUNTRY****CGCP/315/12***November 21<sup>st</sup>, 2012*

The president of the CNDH, Raúl Plascencia Villanueva, held a working meeting with members the Human Rights Commission of Republic's Senate, before whom he called upon to call attention, with greatest urgency, to country's public security area.

He reported that in recent years significantly increased, number of violence victims and of those who have suffered various grievances by acts and omissions by public servants.

This meant, he said, a substantial increase in human rights violations such as torture and cruel, inhuman or degrading treatment, arbitrary arrests, raids and illegal searches, forced disappearance and arbitrary life deprivation, among others.

He also spoke about National Prison System, which is experiencing a severe crisis whose main cause is lack of a comprehensive public policy and articulated in the matter.

Another of topics addressed during his meeting with the cited Commission was of crime victims,

which, in addition of being the great forgotten in justice criminal system, still pending their demand for justice; punishment of those responsible and damage repair.

In conclusion, commented that only sure way to combat crime is to have security professionals' elements in broadest sense and governed under strict standards of honesty, uprightness and ethics.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_315.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_315.pdf)

**PROMOTES PREPARATION PROFESSIONALS IN INCLUSION****CGCP/316/12***November 22<sup>nd</sup>, 2012*

The National Human Rights Commission in coordination with various educational institutions of the country, driving programs to train professionals in care of persons with disabilities.

This has resulted in a career creation as a Senior Technician University in Inclusion for People with Disabilities, which provides the la Universidad Tecnológica Santa Catarina, from Nuevo León state.

It is the beginning of a large effort to generate need awareness to prepare

professionals to care for five million 739 thousand people with a disability living in México, according to data from the National Institute of Statistics and Geography (INEGI).

Professionals Training in this area, helping to promote culture of attention, respect, the promotion and defense of human rights of persons with disabilities, and accompanying them in their development process in order to have access to more educational, employment, social and cultural opportunities to ensure its full realization.

Those aspiring to pursue a career as a Senior Techni-

cian University in Inclusion for Persons with Disabilities must have completed high school and have experience of at least one year in care programs for people with disabilities. This new profession account with specialties in care for persons with hearing disabilities, visual and integral inclusion. For more information you can consult page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_316.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_316.pdf)





## JUDGES' UPDATE AND CONTINUOUS TRAINING

### CGCP/317/12

November 23<sup>d</sup>, 2012

The national Ombudsman participated in the 36 National Commission of Superior Courts of Justice of the United Mexican States A.C. National Congress, where he gave lecture "The Human Rights and the Control of Conventionality".

He stated that, thanks to constitutional reforms of June 2011 Mexicans have a broader human rights group that demands to be systematized to guarantee them and make them effective.

He said that one of main challenges is to launch update and our judges continuous training about international law contents and new technical interpretation of law functioning. Raúl Plascencia Villanueva said that today we live in a human rights time.

He added that it is not only a question of knowing how many rights we have, or if they come from our Constitution or international treaties, but the way in which we are going to guarantee them and make them effective.

The academy in general, has a fundamental role in this process and should be added and adapt to changes, looking for constant interaction with jurists and judiciary in particular; and judges are those that have an enormous responsibility to consolidate within the scope of their powers, a State of law guarantor and respectful of human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_317.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_317.pdf)

## INADMISSIBLE THAT PERSISTS VIOLENCE AGAINST WOMEN

### CGCP/318/12

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

For the National Human Rights Commission is unacceptable the fact that 42.4 percent of women 15 years and more, have been received emotional attacks; that 24.5 percent of them control their income and the way in which it is spent and that 13.5 percent of these women have suffered physical violence with permanent damage or temporary by their current or last couple, according a survey established by INEGI.

Combined with the above, once victimized by their part-

ner, suffer re-victimization when institutional authorities in charge to protect and support them deny service to them or work in a substandard manner.

Therefore, one of priority tasks for the CNDH is to join efforts with public institutions and non-governmental organizations, to raise awareness about the need to eliminate cultural patterns that cause submission and discrimination.

In the framework of the *International Day for Elimination of Violence against Women*, designated since 1999 by the United Nations each November 25<sup>th</sup>, the Commission notes

that should be strengthened between society, values that promote human treatment and equal opportunities for women and men.

Recently, the CNDH joined UN action to put an end to violence against women and announced the campaign United by human rights to eliminate violence against women in México, through comprehensive strategies dissemination to sensitize the population and banish.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_318.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_318.pdf)



## DEATH PENALTY REJECTION

### CGCP/319/12

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

The CNDH has among its programs; focus of Mexicans that had been sentenced to death abroad, for verifying purpose that they receive legal and consular assistance of Ministry of Foreign Affairs (SRE), through procedural status of cases monitoring.

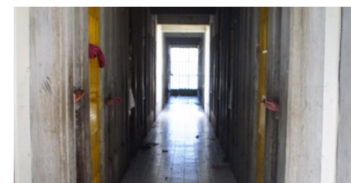
This national autonomous Organism will continue to press for death penalty abolition, and the need to swap or com-

mute that judgment by a prison. Until last October, the Program against the Death Penalty for Mexicans living abroad, was in follow-up to 61 cases of Mexicans sentenced to capital punishment, 58 in the United States of America and three in Malaysia.

However, the past November 2 of this year, it was learned that another Mexican was sentenced to capital punishment in California State, information that has been confirmed by SRE, so that number of cases increases to 62.

The CNDH reiterates its commitment to continue with the monitoring and care of these cases, expresses its absolute rejection to death penalty application and will maintain its defending right to life position before foreign governments applying it, to fight for their abolition.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_319.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_319.pdf)



## LAUNCHES CAMPAIGN AGAINST HUMAN TRAFFICKING IN INDIGENOUS LANGUAGES

**CGCP/320/12**

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

During launching ceremony of CNDH's Campaign against Human Trafficking in National Indigenous Languages, in Mérida, Yucatán, the national Ombudsman stated that it is essential to eradicate, combat and punish this crime against people's dignity.

He said that the increase in human trafficking cases number affect: migration dynamics, impunity, corruption and the vulnerability elements to which persons are exposed.

He said that number of boys and girls subjected to sexual slavery in México goes from 16 thousand to 20 thousand, (in accordance with INEGI, UNICEF, DIF data). Other studies consider children's number who are subject to such exploitation, amounts to 70 thousand, of which, 50 thousand are exploited in border areas and 20 thousand in the rest of the country.

In the world, he said, each year are picked up for human trafficking purpose, two to four million people; between 800 thousand and 900 thousand are trans-

ferred, across borders to be subjected to some kind of sexual or labor exploitation (treats transnational).

The *Campaign against Human Trafficking in National Indigenous Languages* was jointly developed by the CNDH, the National Institute of Indigenous Languages (Pueblo Nuevo) and DI-CONSA, with aim of preventing this illicit in populations that are in particularly vulnerable situation.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_320.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_320.pdf)



## "MATERNAL DEATH IN MÉXICO: CAUSES AND PROPOSALS FOR APPROACH"

**CGCP/321/12**

November 27<sup>th</sup> 2012

For the CNDH is essential to ensure women full respect of their fundamental rights and access to health services. The right to health protection in our country must be, after right to life, the one receiving greater guarantees for its effective exercise.

Data from the Ministry of Health indicate that during 2011, 75 percent of deaths were due to direct causes, avoidable with technological resources and medical development available.

In addition, 70 percent died within a hospital setting which means that they did not have timely medical care and quality. In 2011 women who lived in the 125 municipalities with lowest human development index were doubly exposed to death risk in relation to the rest of Mexican women.

If we consider gaps between non-indigenous women and indigenous women, the latter reality is more dramatic because the risk of dying is three times greater. The Pan American Health Organization says that between 50 and 94 percent of ma-

ternal deaths are preventable if there are resources to facilitate women care during pregnancy process, childbirth and the puerperium.

Therefore, the CNDH seeks to contribute to the fight against maternal death in México through reflection and this problem analysis that applies to women and violent their human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_321.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_321.pdf)



## COORDINATE EFFORTS TO REDUCE OVERWEIGHT AND OBESITY IN CHILDREN

**CGCP/322/12**

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

The CNDH calls upon government and society to redouble efforts and work together to address childhood overweight and obesity problem, that constitute a public health problem that applies to one of most vulnerable population groups.

This independent national agency believes that they

should protect 32.5 million people rights whose ages range from one to 14 years living in our country, in order to promote integral development conditions conducive to a better life quality.

It is essential to comply with provisions of fourth article of Politic Constitution, which states that girls and boys have right to full satisfaction of their needs for food, health, education and healthy recreation.

For the National Commission is of capital importance to develop effective public policies that strengthen nutrition conditions, promote physical exercise practice and healthy recreation, in favor of population in general, and particularly children, in order to combat obesity and overweight.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_322.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_322.pdf)



## RESPECT HUMAN RIGHTS OF INDIGENOUS PEOPLES

**CGCP/323/12**

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

For the National Human Rights Commission is essential to promote public policies in favor of indigenous peoples and communities, with aim of preserving their organizations policies, economic and social, because they form an essential part of our country's multicultural composition.

As established in 2° Constitutional Article and other legal international instruments, such as ILO 169 Convention about

Indigenous and Tribal Peoples in Independent Countries, in which reference is made to their language, their culture, their land preservation, to equal opportunities in all areas and to all forms elimination of discrimination.

The CNDH works to defend, promote and disseminate this population group human rights through **Program for Human Rights Promotion and Diffusion of Indigenous Peoples and Communities**, for which leads to conduct visits to indigenous communities throughout the

national territory, with fundamental purpose of promoting their human rights.

This national autonomous organism reiterates its commitment to defend all people human rights and especially of groups in vulnerability situation, such as indigenous peoples



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_323.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_323.pdf)

## BREAK SILENCE BEFORE HUMAN TRAFFICKING

**CGCP/324/12**

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

Before increase in cases number of human trafficking, the president of the CNDH, Raúl Plascencia Villanueva, called upon society to raise its voice, stop being tolerant before this crime and strive to actively collaborate with public institutions to eliminate it.

He said keeping silence about human trafficking and manage it as an invisible situation, makes us accomplices.

During his participation in Forum "The Society of Consumption and Human Trafficking: Challenges and Prospects in México", in the city of Puebla, Puebla, the national Ombudsman acknowledged that in the

last decade, has been reforming legal framework and significant progress has been achieved in the field.



For the National Commission, he said, is a priority generate awareness in society that their participation is given, not only by actions track, but by omission or indifference and these behaviors contribute to preserve this despicable criminal phenomenon, present all over the world through labor and sexual exploitation of girls and boys, women and men eventually.

Human Trafficking, does not distinguish economic level or personal characteristics; it encompasses virtually all sectors of society and responds to multiple associated factors, especially to economic difficulties that generate poverty, exclusion, discrimination and unemployment.

Added to this are; migration dynamics, increase in goods and services exchange arising derived to globalization and eventually tolerance to this phenomenon, which is evident in silence.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM\\_2012\\_324.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_324.pdf)



## ARTICLE OF THE MONTH

### Delimitation and Human Rights

José Gregorio Hernández Galindo\*

Published on November 25<sup>th</sup>, 2012

Ensuring respect for human rights is not a concession or grace States but his main duty. The political organization that does not provide the essential guarantees in this area is a failed organization.

Remember text of French Declaration of 1789, in good time translated into Spanish for the Nueva Granada by Antonio Nariño, which states that "The aim of all political association is the preservation of the natural and imprescriptible rights of man. . ." (Art. 2).

The above definition is added reference to borders corresponding:  
Art 4 °. - Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the

other members of the society the enjoyment of the same rights. These limits can only be determined by law.

Of luck that from that first statement was proclaimed a principle supported by our system today, in freedom's favor and law as general rule against to which exceptions are limited and reserved to legislator.

The International Human Rights Court of 1948 proclaims a common standard of peoples and nations, individuals and institutions, promotion and respect for these rights and freedoms.

According to it, States have obligation to "ensure by progressive measures, national and international, its recognition and universally applied and effective observance, both among the Member States peoples and among territories under their jurisdiction."

Since then, the jurisprudence and doctrine have established, as shown in the

first statement, that rights are not absolute, as if each claimed their own rights without limits, to exercise them without considering the rights of others stumble necessarily associated with them and the result of crashes it would not be any different from a chaos in the respective society. If this is true among individuals, which its own is preached among States in their relations, which are necessarily committed to the rights and freedoms of its nationals.

That means that the rights of a State, in the exercise of its sovereignty, deserve the respect of other States, but on the pretext of its exercise cannot be run over rights of other States, nor human rights which correspond to natural persons and that are intangible.

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<http://www.eluniversal.com.co/columna/delimitacion-y-derechos-humanos>

## BOOK OF THE MONTH

### Human Rights; Legal Education

Authors: Xavier Díez de Urdanivia, Cristina Díaz Díaz

Matter Derecho  
ISBN: 978-607-402-463-0  
Size: 13.5\*20.5  
Pages: 160  
Year: Junio 2012  
P.V.P.: 165.00 pesos

*It is a subject on which we have to get to reflect, not only because the Constitution was amended a year ago and now human rights have become a great boom, but because it is an issue of global concern and that from ourselves is due to see a reflection soon, at least and, to begin with, in schools, "stated Díez from Urdanivia.*

The phenomenon of globalization has brought about a real transformation, relevant quantitative and qualitative social phenomena.

The technological revolution of the last third of the twentieth century has produced changes that raise questions background, therefore, to the traditional ways of understanding -and explain- these phenomena.

The structural crisis has also manifested in the legal system, which has caused widespread crisis in search of new "social contract" required by the world today, has highlighted the common referent of Human Rights, that in México

and the rest of Latin America have experienced in recent times requiring a reassessment be reciprocated in education.

That's why the authors undertook sharing task of their reflections and proposals to adapt to realities pedagogical models that are commonly used in our faculties and schools to explain legal disciplines.

Three Essays are integrated by authors' common desire, seeking to answer these questions and provide viable answers.

<http://www.plazayvaldes.com.mx/libro/los-derechos-humanos-en-la-educacion-juridica/1839/>

## RECOMMENDATIONS

### RECOMMENDATION 62/2012

**MATTER:** Arbitrary detention, torture and illegal retention case, in V1 grievance in Villahermosa, Tabasco

**RESPONSIBLE AUTHORITIES:** Secretary of National Defense; Constitutional Governor of the State of Tabasco

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

The National Human Rights Commission opened complaint file CNDH/ 2/2010/ 3006/Q, due that at approximately 23:00 hours on April 23, 2010, while V1 was driving his bike near his home, Mexican Army elements arrived, arrested and beat him with purpose that he confessed his involvement in various crimes; in addition, they stole objects in his home and, subsequently, he was moved to an unknown place and placed him in a room, where was victim of beatings, electric shocks, also beaten with a plank on buttocks and back, until, on April 25, 2010, after two days without food providing was put at disposal to District Attorney's Office Specialized for Kidnapping Combat belonging to Tabasco's state General Attorney Office.

There, once again became to be victim of beating, suffocation, electric shocks, beaten with a plank on buttocks and back, and reiterated access denial to food, until, handcuffed and blindfolded, he signed various documents whose content didn't know, in order to stop being submitted to such torture.

Once V1 was put at disposal of Public Ministry attached to aforementioned Attorney's Office, preliminary inquiry 1 was launched for kidnapping crime in which, upon concluding its constitutional legal detention, which started from April 25 at 14:00 to April 29 at same hour, since it was

agreed duplication of constitutional legal detention, AR7, Public Ministry agent attached to cited Attorney Office, decree freedom release order under law reserves.

Notwithstanding the foregoing, in preliminary inquiry 2, opened by aggravated criminal association crime, dedicated to car robbery, business robbery and drugs trafficking opened at same Attorney's Office on April 28, 2010, noted V1 as probably responsible based upon statements from other detainees in that preliminary investigation.

Following this, AR4 agreed his detention by possible commission of aggravated criminal felony association, ordering his arrest "during the commission of the crimes" from 14:00 hours on April 29, 2010, legal detention expired on May 3, 2010 after it was agreed to duplicate the constitutional legal detention.

Subsequently, and before it expired the constitutional legal detention, on May 2, 2010 criminal charges were filed against V1 and was recorded before the First Criminal Judge in Villahermosa, Tabasco, by aforementioned offenses.

According to telephone interviews held with V1 by National Commission staff, dated April 7 and 18, and with the Court's secretary, on June 4, 2012, was reported that evidence efficiency was exhausted and investigation within criminal case 1 was about to close; also, was denied appeal against formal arrest warrant.

To this recommendation issuance date, the Public Ministry investigator assigned to Special Attorney's Office for Kidnapping Combat of PGJ Tabasco refused to provide requested preliminary investigation 1 copies under excuse of not being

able to issue photocopies due to Tabasco State Government austerity policies.

Finally, neither the National Defense Secretariat nor Tabasco state's General Justice Attorney have reported whether administrative procedures and criminal proceedings have opened, against elements that participated in events in V1 detriment.

Now, from legal analysis to aforementioned complaint file evidence, this National Commission notes that human rights were violated to home inviolability, legality, legal security, integrity and personal safety, and property or possession in V1 grievance, by facts consistent in violating any formalities for search warrant issuance or during execution of this, enter a home without a warrant, personal home property robbery, arbitrary detention, illegal detention, torture, and skip observe right to presumption of innocence, as well as intimidation acts in V2 grievance attributable to military elements of 30/a Military Zone in Villahermosa, Tabasco, intimidation acts in V2 grievance attributable to 30/a Military Zone military elements in Villahermosa, Tabasco, as well as to staff of Agency of the Attorney's Office Public Ministry of Special Attorney's Office for Kidnapping Combat belonging to Attorney General Office of Tabasco State. By what was issued the Recommendation 62/2012.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_062.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_062.pdf%20)

## RECOMMENDATIONS

## RECOMMENDATION 63/2012

**MATTER:** About the case of inadequate medical care and subsequent life deprivation, in the Clinical Hospital of the State's Employees' Social Security and Social Services Institute (ISSSTE), in Zitácuaro, Michoacán, to the detriment of V1

**RESPONSIBLE AUTHORITY:** General Director of the State's Employees' Social Security and Social Services Institute (ISSSTE)

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

The National Human Rights Commission opened complaint file CNDH/1/2012/7192/Q, due to the fact that on February 29, 2012, at approximately 22:00 hours, V1, 67-year-old woman, with systemic arterial hypertension and diabetes mellitus type II record, attend Hospital Clinic of the State's Employees' Social Security and Social Services Institute in Zitácuaro, Michoacán, were was assessed by AR1,

AR2, AR3 and AR4, who omitted provide medical care in appropriate and timely way.

The next day, victim was referred for her attention to the Hospital "Vasco de Quiroga", belonging to cited Institute; however, no doctor or nursing staff accompanied her during ambulance transfer; finally, victim died during the journey, noting in death record, as death date and time 5:20 PM on March 1, 2012 and as death's causes: transmural myocardial infarction (two hours), hyperkalemia (24 hours), chronic renal failure sharpened (72 hours), diabetes mellitus type II (8 years) and systemic arterial hypertension (10 years).

In this regard, it is important to point out that as of this recommendation preparation date it hasn't been any evidence about preliminary inquiry started or any other procedure related to facts, however, that on 23 October 2012, Q1, V1 sister, lodged a com-

plaint with state delegation of the State's Employees' Social Security and Social Services Institute, in Michoacán.

The legal evidence's analysis of file referred to, this national Organism counted with elements that allow to revealed transgressions to human rights to health and life protection, to V1 detriment, attributable to AR1, AR2, AR3 and AR4, doctors working at Hospital Clinic of the State's Employees' Social Security and Social Services Institute in Zitácuaro, Michoacán. By what was issued Recommendation 63/2012.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_063.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_063.pdf)

## RECOMMENDATION 64/2012

**MATTER:** About the case of shortage of medicines in the ISSSTE Clinic Hospital "Ciudad Victoria", to the detriment of V1

**RESPONSIBLE AUTHORITY:** General Director of the State's Employees' Social Security and Social Services Institute (ISSSTE)

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

The National Human Rights Commission opened complaint file CNDH/1/2011/9766/Q, due that on October 4, 2011, V1 presented at pharmacy located in ISSSTE Clinic Hospital "Ciudad Victoria", in order to collect his prescribed drugs; however, after waiting about two hours, was informed that due to shortage it would not be possible to deliver them; foregoing meant that victim sought from

AR1, director of the hospital, but while talking to him, suffered a heart attack and died.

On V1 death certificate, were identified death time and date 10:00 a.m. on October 4, 2011 and indicating as death causes: myocardial infarction, heart failure and systemic arterial hypertension.

In regard, through report dated April 16, 2012, head of Conciliation Services and Complaints and Refunds Rulings ISSSTE, pointed out that Committee on Medical Complaints of this Institute, in its extraordinary session on 06/12, ruled as inadmissible for V1 case, by virtue of which was not observed poor medical care; however it was not sent to this National Commission, copy of resolution.

It is also important to high-

light that on June 6, 2012, Q1 lawyer, precise that, in regard to acts committed in V1 grievance, was filed facts complaint before agent of Federal Public Ministry, situation that rise Preliminary Inquiry No. 1, which was being processed.

From legal evidence's analysis integrated at aforementioned file, this national Organism counted with elements that revealed transgressions to human rights to health protection and decent treatment, to the detriment of V1, attributable to AR1, Director of ISSSTE Clinic Hospital "Ciudad Victoria". By what Recommendation 64/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_064.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_064.pdf)



## RECOMMENDATION 65/2012

**MATTER:** About the case of inadequate medical care and loss of life at the General Hospital "B" of the ISSSTE, in Pachuca, Hidalgo, to the detriment of V1 minor

**RESPONSIBLE AUTHORITIES:** General Director of the State's Employees' Social Security and Social Services Institute (ISSSTE)

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

The National Human Rights Commission opened complaint file CNDH/ 1/2011/ 10059/Q, due to the fact that on October 10, 2011, Q1, a 28 years old pregnant woman with 34 gestation weeks, introduced high blood pressure, so she went to ISSSTE Family Medicine Unit, in Pachuca, Hidalgo, where the medical personnel conducted her to General Hospital "B" of this institute, where, the medical staff determined to admit her at Unit of obstetrical surgery, in order to practice caesarean.

Later, around 11:55 hours on October 11, 2011, birth of V1 was registered, who was valued from that time until the 14 same month and year, by physicians AR1, AR2, AR3, AR4 and AR5, who omitted to provide proper treatment

to prevent respiratory distress syndrome that V1 presented, as well as to practice necessary studies and transfer him to a third level hospital, where the required medical care could be provided.

However, on October 14, 2011, V1 was diagnosed by a physician of aforementioned hospital, with a clinical diagnostic of necrotizing enterocolitis, serious health condition that went unnoticed by AR1, AR2, AR3, AR4 and AR5; finally, the 16<sup>th</sup> of that same month and year, V1 was transferred to the Regional Hospital in Tula, belonging to the Hidalgo Health Services of Health Secretariat, in that federal entity, where he died at 09:20 hours, indicating as death causes in death certificate: early neonatal sepsis and necrotizing enterocolitis in preterm newborn with 36 gestation weeks.

In this regard, it is accurate that preparation date this Recommendation were not evidence that had been opened prior investigation or procedure related to facts.

From legal evidence's analysis integrated into file in question, counted with elements that revealed rights violations to health protection and life

in V1 detriment, attributable to AR1, AR2, AR3, AR4 and AR5, medical personnel assigned to ISSSTE General Hospital "B" in Pachuca, Hidalgo. Therefore, the CNDH issued Recommendation 65/2012

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_065.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_065.pdf)

**RECOMMENDATION 66/2012**

**MATTER:** About the case of V1 to V63, victims of crime as a result of the events that occurred in the "Casino Royale", in Monterrey, Nuevo León

**RESPONSIBLE AUTHORITIES:** Government Secretary; Secretariat of Labor and Social Welfare; Constitutional Governor of the State of Nuevo León; President of the State Human Rights Commission of Nuevo León; Members of Town Hall the city of Monterrey, Nuevo León

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

The National Human Rights Commission opened complaint file CNDH/1/2011/7340/Q, due to occurred events on August 25, 2011, where a group of people caused

a fire at the "Casino Royale", located in the city of Monterrey, Nuevo León, which had consequence that fifty-two people lost their lives, at least eleven be injured and that an undetermined number suffered various grievances.

With respect to these events, concerning these facts, it is important to precise that it has not been received in this National Commission, any evidence that will uncover that derivative to irregular operating way of "Casino Royale", has been opened investigation procedure against any public server.

By what, legal evidence's analysis that integrated referred file, this national Organism counted with elements that showed

rights violations to legality, to legal security, physical integrity and personal safety, and to life, by acts and omissions attributable to public servants of the Secretariat of Labor and Social Welfare; as well as the state government of Nuevo León, and Monterrey Municipality, respectively, in detriment, for at least 63 identified victims; all this derived from 25 August 2011 events at the "Casino Royale", located in the city of Monterrey, Nuevo León. Therefore, Recommendation 66/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_066.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_066.pdf)

**RECOMMENDATION 67/2012**

**MATTER:** About the case of arbitrary detention, torture and illegal retention in grievance of V1, in Guadalupe, Nuevo León

**RESPONSIBLE AUTHORITIES:** Secretary of National Defense; Constitutional Governor of the State of Nuevo León

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

The National Human Rights Commission opened complaint file CNDH/2/2011/140/Q, due to the fact that on 22 December 2010 received, for competency reasons, complaint lodged by Q1 before the State Human Rights Commission of Nuevo León, on December 16, 2010, in which he pointed out that on December 13 same year, between 19:00 and 19:30 hours, approximately, V1 women, municipal police belonging to the

Public Safety Secretariat in Guadalupe, Nuevo León was detained at the Secretariat facilities by personnel of the National Defense Secretariat, and that was at the Attorney's General Office State Agency for Research of Nuevo León State.

The complainant stated that on December 16, 2010, he was able to talk with V1 at attorney's general office facilities, who stated that she had been subjected to beatings and torture by National Defense Secretariat's personnel.

In order to properly integrate file, the CNDH personnel conducted various field work to gather information from complaint.

From the logical-judicial analysis of aforementioned file, warned behaviors that constitute human rights

violations to legality and legal security, freedom, integrity and personal safety and respect and dignity treatment, by consistent violating facts of arbitrary detention, illegal detention, incommunicado detention, cruel, inhuman or degrading treatment and torture in V1 detriment, attributed to National Defense Secretariat's elements and to staff of Attorney's General Office of Justice of Nuevo León state. Therefore Recommendation 67/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_067.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_067.pdf)

**RECOMMENDATION 68/2012**

**MATTER:** About sexual violence, torture and cruel treatment to the detriment of V1 and V2 girls' in Coyuca de Benítez, Guerrero

**RESPONSIBLE AUTHORITIES:** Secretary of Navy

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

The National Human Rights Commission opened complaint file CNDH/ 2/2012/ 213/Q, due that on November 29 2011, the State Commission for Human Rights of Guerrero referred to this National Commission the complaint lodged by V1, V2 and Q1, with respect to sexual assault to which were subjected two girls of 15 and 14 years by Navy Secretariat's elements.

Previously, and because

of these facts, on November 28 2011, general visitor of the State Commission for Human Rights of Guerrero, gave transfer of sight of complaint lodged in local organism to the Common Jurisdiction Specializing in Sexual Offenses and Domestic Violence of Bravo's Judicial District of Attorney's General Office of Guerrero state, in which was ordered to initiate preliminary investigation 1, to which to this Recommendation's issuance date is still in its preliminary stages.

From the legal evidence's analysis of complaint file in question, behaviors were observed by elements of Navy Secretariat that constitute human rights personal freedom violations, integrity and personal safety, decent treatment, legality and legal certainty,

for facts consisting in arbitrary restriction of freedom of V1 and V2, transgression, rape and sexual torture in girl V1 grievance and sexual assault and cruel against V2. Therefore, this national agency issued Recommendation 68/2012.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_068.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_068.pdf%20)

**RECOMMENDATION 69/2012**

**MATTER:** About the case of arbitrary detention and torture to the detriment of V1, in Manzanillo, Colima

**RESPONSIBLE AUTHORITY:** Secretary of the Navy

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

The National Human Rights Commission opened complaint file CNDH/ 2/2011/ 1039/Q, due to on February 1, 2011 was submitted a written complaint before this national organism, by Q1, V1 brother, in which he expressed that on January 20, 2011 V1 while driving his car together with V2 in the city of Manzanillo, Colima, when they were arrested by Navy Secretariat's elements, who blindfolded V1, took them out of the vehicle and put them on a truck, and after a short ride V2 was dropped out close to the beach, where she was stripped of their belongings,

threatened to say nothing, and left her in that place.

V1 was taken to an unknown location where he was subject of abuse, beating, choking, and threats and took pictures bearing weapons. He pointed out that subsequently was forced to get into a vehicle and forced to tell them his address.

The naval personnel moved to his home along with V1, entering with V1 keys. After several minutes that V1 remained in the car, the referred Secretariat's elements returned and told him "nothing has been found".

Later, they took him back to the "unknown place", where they beat him and took pictures bearing weapons again.

On January 27, 2011, V1 communicated by telephone with Q1, who informed him that had various pains derived from

the blows he received; that his buttocks were "totally burst", showed pus and several toes severely hurt.

From the legal evidence's analysis integrating the aforementioned complaint file, it is warned behaviors that constitute V1 human rights violations committed by AR1, AR2, AR3, AR4, AR5 and AR6, belonging to naval force and infantry amphibious brigade of marines of the Pacific, relating to legality and legal security, freedom, integrity and personal safety, health protection and decent treatment, by consisting arbitrary detention facts V1 and V2, illegal detention, incommunicado detention and V1 torture, and intimidation in V2 grievance. Therefore, Recommendation 69/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_069.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_069.pdf)



## RECOMMENDATIONS

## RECOMMENDATION 70/2012

**MATTER:** About the case of arbitrary use of public force to public safety detriment, V1's life deprivation, V3's life loss, and V2 and V4's allocation to integrity and health, in Michoacán de Ocampo state

**RESPONSIBLE AUTHORITY:**

Secretary of Federal Public Safety

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

The National Human Rights Commission opened complaint filed CNDH/2/2011/ 228/Q and its accumulated, due to on December 8, 9 and 10, 2010, population of various municipalities in Michoacán de Ocampo state testified armed clashes between Public Security Secretariat's elements and suspected members of organized crime, facts that affected life and physical and psychological integrity of some people, among which are at least four civilians: V1, a 8 months child, V2, V1's mother, V3, a 17 years old young girl, and V4, 28 years old young man, the first and third died as a result of gunshot wounds.

The events began on December 8, 2010, when a convoy of federal police officers who were moving to El Alcalde community, an hour south from Apatzingán city, Michoacán de Ocampo, with the intention of carrying out an operation against suspected leaders of a criminal group, was attacked by a set of armed persons.

The Federal Police repelled aggression, which generated an intense dispute between both sides lasting several hours and which in turn, resulted in a spread of violence to other communities.

So, between Wednesday 8 and Friday 10 December 2010, heavy gunfire was raised in Apatzingán, Ario de Rosales, Ciudad Hidalgo, Copándaro de Galeana, Lázaro Cárdenas, Morelia, Nueva Italia, Parácuaro, Pátzcuaro, Taretan, Uruapan, Zinapécuaro y Zitácuaro; also, attacks were carried out at gas stations, intimidation campaigns at schools and hospitals and crashes with cars burned in the main urban motorways Maravatio-Morelia, Zitácuaro-Morelia, Zitácuaro-México and in various highway exits around the state capital.

From the above, and given the newspaper articles that reported such events, on December 10, 2010, this national organism initiated ex officio the aforementioned file, and in order to corroborate reported events and verify human rights violations existence of V1, V2, V3, V4 and to Michoacán population, deputy visitors and experts appraisers of this National Commission conducted field work to collect information and documents related to the above-mentioned facts; among other actions, it was requested precautionary measures to federal and state authorities to safeguard area's inhabit-

ants integrity, and required information to Federal Public Security Secretariat, the National Defense Secretariat, Office of the Mexican Attorney-General (hereinafter PGR) and Office of Michoacán de Ocampo state Attorney General.

Noteworthy that on February 8, 2012, was accumulated to cited complaint file CNDH/1/2011/517/Q, initiated because V1 death's and processed following a complaint submitted by the State Human Rights Commission of Michoacán de Ocampo.

Now, from legal evidence's analysis to aforementioned complaint file and its accumulated, there were human rights' violations to life, treated with respect and dignity, integrity and personal safety, legality and legal certainty, by acts and omissions that resulted in the V1's deprivation of life, V3's life loss, and integrity and personal health damage of V2 and V4, as well as by arbitrary force use to detriment of population's public safety of various municipalities in Michoacán de Ocampo state. Therefore, Recommendation 70/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_070.pdf%20](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_070.pdf%20)

**RECOMMENDATION 71/2012**

**MATTER:** About the case of acts of nuisances and arbitrary physical inspections in several users' detriment of civil airports, by Federal Public Safety Secretariat's elements

**RESPONSIBLE AUTHORITY:** Secretary of Federal Public Safety

The National Human Rights Commission opened complaint file CNDH/ 2/2012/ 7689/Q on August 19, 2012, due to an investigation by Federal Police actions of Public Safety Secretariat at airports of Mexican Republic, who carry out physical inspections to passengers and users of various civilian public service's airports in an unjustified manner.

Likewise, there was another open complaint filed CNDH/2/2012/7241/Q opened

by V1, received on August 8, 2012 in this National Commission, which was accumulated to the previous one, and in which V1 reported that on previous July 17 was waiting to board a flight to Madrid, Spain, at México City's International Airport at Terminal's 1 departure lounge, when AR1, Federal Police officer, approached her who carried out personal inspection to his carry-on baggage in front of other passengers and another more comprehensive physical inspection inside women's toilets by virtue that she presented physical characteristics that necessitated a further review.

In this regard, it is worth mentioning that this National Commission has no record or knowledge that is has been carried out criminal proceedings, administrative or judicial around to basis for this Recommendation.

mentation.

Now, from Legal evidence's analysis of cited file and its accumulated, this autonomous organism noted that rights to decent treatment, non-discrimination, freedom, privacy and personal integrity, legality and legal certainty were violated in V1's detriment, as well as to several airports' users, on occasion to arbitrary physical inspections, this is, inspections, interventions or any action which involves momentary immobilization of an individual, whose purpose is to perform palpation of his body or possessions, carried out by Federal Police elements of the Public Safety Secretariat. Therefore, the Recommendation 71/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_071.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_071.pdf)

**RECOMMENDATION 72/2012**

**MATTER:** About illegal search warrant, public force arbitrary use, arbitrary detention, torture in V1's detriment, cruel treatment in V2's detriment and inhuman treatments in prejudice of V3 and V4 and violation to health's protection right of V3, in Baja California

**RESPONSIBLE AUTHORITIES:** Secretary of National Defense; Constitutional Governor of Baja California state

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

The National Human Rights Commission opened complaint file CNDH/ 2/2011/ 2597/Q, due that Q1 filed a complaint notice that was received on March 15, 2011, where reports that on the night of the 7<sup>th</sup> same month and year, between six and eight military elements dressed as civilians introduced in a violent way to their families' home V1, V2, V3 of 84 years and V4 of 12 years old, where they were arrested, beaten and insulted.

Hence were moved to military facilities, and subsequently they were put at disposal to **Republic's Attorney General Office**.

On April 19 2011, Q1 detailed its complaint stating that on the 4th same month and year, V1, V2 and V3 were transferred from the **Social Reintegration Center in Tijuana, Baja California**, to the one in Ensenada, and hence, due to his serious health condition, V3 was taken to the general hospital of Ensenada; however, he died before arriving.

Q1 argued that this was due to the fact that his health condition deteriorated due to the poor conditions to which he was subjected at Tijuana's penitentiary, besides penitentiary's doctors didn't assist him adequately.

From legal evidence's analysis of aforementioned complaint file, warn behaviors constituting human rights violations to personal liberty, integrity

and personal safety, legality and legal security and health and life protection, committed in grievance of V1, V2, V3 and V4 by **National Defense Secretariat's** elements, by contrary acts to home inviolability, public force arbitrary use, arbitrary detention, torture and cruel and inhuman treatment, as well as the right violation to health protection of V3, by care omissions attributable to staff of the **Center for Social Reintegration of Tijuana, Baja California**. Therefore, Recommendation 72/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_072.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_072.pdf)

## RECOMMENDATIONS

**RECOMMENDATION 73/2012**

**MATTER:** About the case of arbitrary detention, torture and illegal retention to detriment of V1; cruel treatment to detriment of V2, and inhuman treatments to detriment of V3, V4 and V5, in Manzanillo, Colima

**RESPONSIBLE AUTHORITY:** Secretary of the Navy

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

The National Human Rights Commission opened complaint file CNDH/2/2011/1040/Q, due that V2, V1's wife, noted, in a written complaint that on January 20, 2011, at dawn, heard loud noises at home, so woke up her husband who stood up and shouted, "whoever, don't shoot, i have small children", due that he thought it was people involved with organized crime.

Subsequently, entered his home around 25 people who said they were Special Forces of the Mexican Navy who threw V1 to the floor and handcuffed him, put a hood while he was in underwear. Immediately, his son, V3 4 years old, as crying of fear was heavily

thrown, by one of the subjects, towards a bed and he asked, "are going to kill me?", to which the aforementioned subject replied to shut up.

In turn, his other son, V4 6 years old, answer him that they weren't going to kill him but his dad. It is important to add that 2 years old V5, daughter of V1 and V2, was also in the house.

Then, Navy Secretariat's elements began seizing objects of value, among which were a personal computer and two weapons. In addition V2, pointed out that made her lewd fondling in buttocks.

With regard to the material damage caused, stated that access door was destroyed and inside bathroom door was damaged.

Additionally, V2 argued that V1 was transferred to the Naval Sixth Region facilities of Manzanillo's port, where he was tortured, and subsequently moved to México City where, at the filing date of the complaint was rooted with imputation of belonging to organized crime.

It is noteworthy that V2 stated that prior the day on which narrated facts will happen, her husband held position of Transit and Roads Director at H. Constitutional Municipality of Manzanillo, Colima, directly depending to the Public Safety Department of Colima's harbor.

Now, from legal evidence's analysis of aforementioned complaint file, were noted behaviors that constitute human rights violations of V1, V2, V3, V4 and V5 committed by AR1, AR2, AR3, AR4, AR5 and AR6 belonging to naval force and amphibious infantry brigade of marines in the Pacific, relating to home inviolability, legality and legal security, freedom, integrity and personal safety, health protection, decent treatment and sexual liberty, by facts consisting illegal search warrant, arbitrary detention, retention at Navy Secretariat's facilities and V1's torture, V2's cruel treatment and inhuman treatment in detriment of V3, V4 and V5. Therefore Recommendation 73/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_073.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_073.pdf)

**RECOMMENDATION 74/2012**

**MATTER:** About the case of illegal search warrant in detriment of young brothers V1, V2 and V3 child and arbitrary detention and life deprivation of V1, in Acapulco, Guerrero

**RESPONSIBLE AUTHORITY:** Secretary of National Defense

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

The National Human Rights Commission opened complaint file CNDH/2/2011/8579/Q, due that Q1, federal public defender of Judicial Branch of the Federation, filed a complaint on September 30, 2011, and who stated that National Defense Secretariat's elements beaten and injured his defended V1 at time of his arrest on September 21, 2011, at approximately 14:30 hours, when military elements were introduced brothers' home V1, V2 and

V3, 21, 19 and 17 years old respectively, without order or search warrant of arrest, beating to all.

V1 pulled out a machete when he noticed the treatment which affected their younger brothers and one of National Defense Secretariat's elements shot against him, impacting one of his buttocks, after which military elements provided first aid and called an ambulance to transport V1 to General Hospital Donato G. Alarcón, leaving at home V2 and V3.

In addition, Q1 annex to its complaint copy of the physical integrity's medical report of September 22, 2011, issued by a medical officer of the Office of the Mexican Attorney-General, in which it was recorded that V1 presented lesions that endangered life and take to heal over a fortnight. Subsequently, V1 lost his life in mentioned hospi-

tal at 01:20 hours on October 4, 2011, after a respiratory arrest.

Legal evidence's analysis of complaint file referred to, it is noted that human rights were violated to home inviolability, legality, legal certainty, to freedom, to integrity and personal security in grievance of V1, V2 and V3, as well as right to life to V1's detriment, by consistent facts breach with any of the formalities for search warrant issuance or during execution of it, and enter V1, V2 and V3's address without warrants, beating and arbitrarily arresting and injuring V1, all it attributable to military elements 56 Infantry Battalion of 27th military Zone of National Defense Secretariat. Therefore, Recommendation 74/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_074.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_074.pdf)



**RECOMMENDATION 75/2012**

**MATTER:** About the case of V1's death, inside Federal Rehabilitation Centre Psychosocial in Ayala, Morelos

**RESPONSIBLE AUTHORITY:**  
Secretary of Federal Public Security

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

The National Human Rights Commission opened complaint file CNDH/3/2011/5017/Q, due that on June 2, 2012, received written complaint by Q1 in which settled that V1 was internal in Center for Prevention and Social Rehabilitation "Santiaguito" in Almoloya de Juárez, State of México, at disposal to the Federal Executive, purging penalty of 47 years, 6 months in prison for having been found responsible for federal order crimes commission.

Similarly, it was indicated that victim was being treated at the National Cancer Institute presenting a malignant tumor, by what counted with appointments scheduled for studies in order to determine required treatment; however, victim did not continue with study protocol in the cited Institute because holder of General Directorate of Prevention and Social Rehabilitation of State of México, requested to be transferred to a federal establishment, claiming that it didn't have appropriate safety measures for internment of high social risk people; as a result, on 26 February 2011, the above-mentioned Adminis-

trative Organism authorized V1's entry to Women's Federal Social Rehabilitation Centre No. 4 "Noroeste" in Tepic, Nayarit, which took place on the 28 same month and year, without a full report about its condition whenever required federal authority omitted relevant clinical records.

It was also noted that Women's Federal Center "Noroeste", didn't provide her with adequate medical care to aggrieved, and that it was not until March 29, 2011, when the oncology specialist assessed her, and on June 22, 2011, she was transferred to Federal Rehabilitation Centre Psychosocial in Ayala, Morelos; that under such circumstances, her health deteriorated and consequently on July 12, 2011, at 22:30 hours, presented a cardiopulmonary arrest, which was irreversible to cardiopulmonary resuscitation, declared clinically dead the 22:40 hours.

From action taken by the National Commission no cautions of opened prior investigation related to such facts, nor has given transfer of sight thereof to Internal Control Agency of Federal Public Security Secretariat.

From the legal evidence's analysis that integrate related file, it was observed that were violated V1's human rights, specifically to life, health protection, legality and legal certainty, by AR1, who authorized transfer of now deceased

to a penitentiary institution that lacked the ideal conditions to provide medical care and without requesting referred clinical record-criminological integrated in the prison of origin to General Directorate of Prevention and Social Rehabilitation of State of México, therefore there were no specifications and details of the condition that presented; prompting omit provide adequate medical care. Therefore, Recommendation 75/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_075.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_075.pdf)

## RECOMMENDATIONS

## RECOMMENDATION 76/2012

**MATTER:** About the case of violation of rights to personal integrity, sexual freedom, education and healthy development in detriment of children V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14 and V15 at kindergarden 1, in Federal District

**RESPONSIBLE AUTHORITY:** Secretary of Public Education

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

The National Human Rights Commission opened complaint file CNDH/2/2011/5568/Q, due that from various newspapers notes published at "La Crónica" and "El Universal", in which was stated that several children, between 4 and 6 years of age, attending kindergarden 1, located in Iztapalapa Delegation in México City, belonging

to Public Education Secretariat were sexually assaulted by AR1, cleaning and maintenance assistant services of aforementioned school sit, therefore preliminary investigation 1 was initiated and criminal charges were filed against AR1 before the Seventh District Court of Criminal Proceedings in Federal District.

By virtue of described events seriousness, same day was agreed, ex officio investigation's opening into this matter, based on Articles 102, paragraph B of the Political Constitution of United States of México: 3, first paragraph, 4, 6, fractions II and VII, 15, fractions I and III, of CNDH Law.

From the legal evidence's analysis integrating the cited complaint file, this national organism notes that human rights were violated to sexual

freedom, personal integrity, decent treatment, education, and development in detriment of children V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14 and V15, by facts consistent with violations in their sexual freedom, cruel, inhuman or degrading treatment, depriving children of continuous care, skip guarding, monitor, protect, establish precautionary measures and/or provide security for people, providing unduly education service and skip providing quality education, attributable to Public Education Secretariat's staff. Therefore Recommendation 76/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_076.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_076.pdf)

## RECOMMENDATION 77/2012

**MATTER:** About the case of child of Honduran nationality to whom refuge was denied

**RESPONSIBLE AUTHORITY:** General Coordinator of Mexican Commission for Aid of Refugees

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

The National Human Rights Commission opened complaint file CNDH/5/2012/2571/Q, on the occasion of a visit by National Commission's staff to immigration station in Puebla, corresponding to Regional Delegation of Migration's National Institute.

In this federal entity, on March 8, 2012, V1 promoted complaint against authorities of Mexican Commission for the Aid of Refugees (COMAR) due to the fact that, during proceedings that ruled his request for refugee's quality, V1 was not visited, nor relatives were called.

After inquiring about V1's disagreements, information was obtained that on January 25, 2012, V1, Honduran migrant, then 17 years old, was admitted

to immigration station in Puebla, occasion in which recognition as a refugee status was requested, because of that, he stated, his life was in danger if he returned to his country of origin, which, immediately, it was reported to AR2, Director of Protection and Return of COMAR's Department of Protection and return, through ex officio.

On January 26, 2012, AR2, aforementioned director open the procedure for recognition of refugee status 1, to determine if V1 could be a beneficiary of refugee status. As part of procedure, on February 21, 2012, AR1, Department Head of Protection of COMAR had an interview by telephone with V1, in order to know the reasons for requested refugee status.

On March 5, 2012, AR2, the oft-times director, resolved Procedure for the Recognition of refugee status 1, denying refuge requested by V1, on consideration that there was no evidence to determine that applicant had been at risk their safety or humane treatment while being in Hon-

duras. On March 7, 2012, the Head of Legal Department and Attention to Migrant of immigration station in Puebla notified resolution to V1.

Now, of legal evidence's analysis of aforementioned file, counts in case with items that reveal human rights' violations of to legal certainty and equality, against the young, V1, Honduran 17 years old migrant, derivative in consisting events of skipping legality, honesty, loyalty, fairness and effectiveness in carrying out tasks, jobs, positions, or commissions; improperly provide public service; skipping unduly refugee status granting; as well as negligently proceedings practice, attributable to AR1, Head of Department for Protection and Return, both COMAR's public servants. Therefore, Recommendation 77/2012 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC\\_2012\\_077.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_077.pdf)



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