



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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## The voice of the President

**Remarks by Dr. Raúl Plascencia Villanueva, president of the National Human Rights Commission, at the presentation of the Annual Activities Report 2012, before the Permanent Commission of the Honorable Congress of the Union.**

*México D.F.*

*January 30<sup>th</sup>, 2013*

Mr. Francisco Agustín Arroyo Vieyra, Chairman of the Board of Directors of the Permanent Commission of the Honorable Congress of the Union. Mrs. Hilda Esthela Flores Escalera and Mr. José María Martínez Martínez, Vice-presidents. Mrs. Mirna Esmeralda Hernández Morales, Mr. Miguel Romo Medina, Mr. Carlos Alberto

García González and Mr. Fidel Demédicis Hidalgo, Secretaries. Senators and Deputies members of the Permanent Commission of the Honorable Congress of the Union. Ladies and gentlemen members of the Consulting Council of the National Human Rights Commission.

Ladies and Gentlemen:

I appeal to the highest platform of the country, to comply with the obligation to submit the activities report of the National Human Rights Commission for which I am responsible, corresponding to 2012, in accordance with the provisions of articles 102, section B of the Political Constitution of the United Mexican States and 52 of Law of the National Human Rights Commission.

During 2012, our country has had to face uncountable difficulties in many national life areas. As in previous years, the constant confrontations between authorities responsible for public safety and organized crime, as well as, between criminal groups among themselves were the main cause of violent deaths, and raising life loss of 34 persons outside facts. This situation negatively impacted human rights exercise. Another problem that reflects a high perception of insecurity on population's part and lack of trust to authorities, is concerning to actions of self-defense where people decide to take justice by their own hands.

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

## Event of the month:

**Presentation of the Annual Activities Report of 2012, before the Permanent Commission of the Honorable Congress of the Union.**



## THE CNDH, THROUGH CENADEH CARRIES OUT ACADEMIC RESEARCH

**CGCP/001/13**

*January 1<sup>st</sup>, 2013*

The National Human Rights Center (Spanish initials-CENADEH), of the CNDH's responsible of human rights' study and dissemination.

Through academic research seeks to influence contemporary debate on human rights, by various solutions proposals to most important problems in the field.

Study topics are: indigenous peoples, oral proceed-

ings in federal entities, economic, social and cultural rights, torture, gender equality, multiculturalism, victim's critical concept, human rights' legitimization, third generation rights, humanity's common heritage, right to food, human trafficking, legal pluralism, human rights' anthropology, history and philosophy, international human rights law and labor law. In addition to academic research, CENADEH drives early research in youth interested in study of human rights through two programs offered to general public: scholarship pro-

gram and the social service. The CENADEH promotes the execution of various activities to disseminate human rights mainly, under the ongoing cycle of conferences with the participation of various speakers from the academic, institutional, and civil society.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_001.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_001.pdf)

## CEDH OF NUEVO LEÓN REJECTS RECOMMENDATION BY CASINO ROYALE'S CASE

**CGCP/002/13**

*January 2<sup>nd</sup>, 2013*

The CNDH will request the Congress of the state of Nuevo León, to summons head of the Human Rights Commission of that federal entity, in order to explain reasons for rejecting the Recommendation 66/2012, issued on occasion of unfortunate events occurred on August 25, 2011, at the Casino Royale, located in the city of Monterrey, in which 52 people were killed and at least 11 injured. The statement derived from research that the CNDH conducted in which, in addition to human rights

violations attributable to authorities of the three orders of government, it was noted that the State Commission conducted an irregular behavior to further investigate the matter, when in legal terms the competition exerted in favor of the National Commission; which represented a lack of respect for the culture of legality, an absence of institutional collaboration and an attempt to hinder the work of the national Organism.

It should be mentioned that despite the above, the cited State Commission has not issued any statement regarding human rights

violations occurred at the Casino Royale.

For the CNDH it is essential that the public servants of the Mexican State comply with the obligation to promote, respect, protect and ensure the human rights, as stated in article 1 of the Politic Constitution of the United Mexican States, specially, in case of those working in the this kind of public organisms in our country. Recommendation 66/2012, may be viewed at <http://www.cndh.org.mx>.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_002.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_002.pdf)

## STRENGTHEN SOCIAL PROGRAMS IN INDIGENOUS PEOPLE'S FAVOR

**CGCP/003/13**

*January 3<sup>rd</sup>, 2013*

The National Human Rights Commission considers that society and government have an outstanding commitment to the 15.7 million indigenous people living in our country under maximum vulnerability conditions and abandonment.

One of the rights that have been denied is to adequate housing, with access to essential services such as wa-

ter, electricity and drainage, in which people can meet their basic needs for health and safety.

Data from the National Commission for Development of Indigenous Peoples reveals that 2.4 million homes in these communities, 27.5 percent do not have piped water, 36.4 percent lack drainage, 7.5 percent have no electricity and 19.4 percent do not have cement floors.

For this autonomous national Organism is para-

mount to redouble efforts to develop and implement public policies that help indigenous peoples and communities to enjoy their human rights, overcome the lag in which they live and achieve full development sought by all, democratic and fair society.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_003.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_003.pdf)



**15 CHILDREN SUFFER AGGRESSION AT KINDERGARTEN IN IZTAPALAPA**

**CGCP/004/13**

January 4<sup>th</sup>, 2013

The CNDH issued Recommendation 76/2012, addressed to the Secretariat of Public Education (Spanish initials- SEP), due to sexual assault suffered by at least 15 children between 4 and 6 years old, students at kindergarten (1), located in Iztapalapa, federal entity in Mexico City, by school staff's hands.

The CNDH ex officio started investigating the case after learning seriousness of the facts, spreading in several national circulation newspapers in which

parents indicated as possibly responsible for sexual assault to the services' assistant, and alleged concealment to school principal.

Subsequently, also were identified by children, the assistant school janitor and the social service practitioner, who was giving physical education classes.

After analyzing case's evidence, this autonomous national organism, noted that human rights were violated to personal integrity, decent treatment, education, development and sexual freedom, to the 15 kin-

dergarten students, by transgressing children's sexual freedom, cruel, inhuman or degrading treatment, depriving children from continuous care, skip guarding, monitoring, protecting, establish precautionary measures and/or providing security to people and to offer quality education. The full text of the Recommendation 76/2012 can be consulted in the page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_004.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_004.pdf)

**TRAFFIC DELEGATE IN PENTATLÁN AFFECTS CITIZEN'S RIGHTS**

**CGCP/005/13**

January 5<sup>th</sup>, 2013

The CNDH made the Recommendation 80/2012, addressed to the Chairman of the Board of Directors of the LX Legislature of the Honorable Congress of Guerrero State and Town Hall of Petatlán, same entity, as a result of actions and abuses committed by municipal traffic delegate against a citizen.

Victim had a traffic accident while driving a truck crashed against a vehicle allegedly owned by the municipal DIF, reason why he was arrested by municipal police. He was transferred to police's cells and not being allowed to testify in his defense to explain how events occurred; requested to notify to

federal police due that accident happened in a federal road, or, to be put at disposal to Public Ministry agent, opposed by traffic delegate of Petatlán.

The public servant ordered to remit victims' vehicle to cranes impound and a day after fixed bail of 50 thousand pesos for his release, amount covered in two payments, which were received by delegate of traffic, whereupon citizen was released; however, the vehicle continued at impound.

Thus, victim filed complaint with the Commission for Defense of Human Rights of the state of Guerrero, after investigating case, issued Recommendation 138/2010, addressed to the Town Hall of Petatlán,

Recommendation wasn't accepted, and victim filed an impugnation appeal before the CNDH that analyzed the case in order to confirm determination of the State Commission, in the sense that human rights to legality and legal certainty to detriment of the appellant. The Recommendation 80/2012 can be consulted at [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_005.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_005.pdf)

**PROVIDE WOMEN EFFICIENT HEALTH SERVICES**

**CGCP/006/13**

January 6<sup>th</sup>, 2013

The Political Constitution of the United Mexican States provides in its fourth article, that both men and women are entitle to health protection, and law shall define bases and modalities to these services access. Thus, it is mainly State's responsibility quality medical care availability, healthy and safe working conditions, adequate housing and access to nutritious foods, among others.

This year, this national autonomous Organism responded two thousand 88 complaints of al-

leged violations to population's health right, resulting foremost violations: (1) omissions in medical care granting; 2) medical negligence; 3) deficient formalities; 4) skip drug supply, and; 5) not provide medical care and/ or emergency counseling.

The CNDH reiterates its commitment to promote knowledge of and respect for human rights, and believes that it should be priority to National Policy to provide women unrestricted access to comprehensive health services, quality, timely, effective and sufficient, in order to extend and improve women's life quality, and with that range, to contribute

to development of communities more fair and without discrimination by reasons of gender or other. Thus, promotion of women's human rights to health will contribute, in broadest sense of term, to achieve a healthier Mexican society.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_006.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_006.pdf)



**MUNICIPAL POLICE MEMBER ARBITRARILY DETAINED A YOUNG MAN, SHOOTING HIM AND DISREGARDING RECOMENDATION**

**CGCP/007/13**

*January 7<sup>th</sup>, 2013*

The National Human Rights Commission issued Recommendation 83/2012 addressed to members of the Constitutional City Council of Iliatenco, Guerrero, in case of an 18-year-old boy arbitrarily detained and gunshot wounded by Iliatenco municipality's Preventive Police.

At first instance case was treated, by the Commission for Defense of Human Rights of the State of Guerrero, which addressed to the City Council of the aforementioned municipality Recommendation 060/2010, being accepted. However, records substantiating compliance were never sent.

Therefore, victim filed an impugnation appeal before the National Commission, required Iliatenco's

municipal president, relevant reports to perform various steps in order to comply with the Recommendation 060/2012, without success. Recommendation 83/2012 can be consulted at [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_007.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_007.pdf)

**SHORTAGE SUPPLY OF MEDICINES AT ISSSTE**

**CGCP/008/13**

*January 8<sup>th</sup>, 2013*

The National Human Rights Commission issued Recommendation 64/2012, addressed to the State's Employees' Social Security and Social Services Institute (Spanish initials – ISSSTE), by rights' violation to people's health protection, by drugs shortages.

pharmacy of this institute in Tamaulipas. Patient with clinical history of high blood pressure, heart failure, Ischemic cardiomyopathy, stroke, bypass left iliac surgery due to thrombosis and probable diabetes mellitus type 2.

He turned to aforementioned hospital clinic's pharmacy in order that prescribed drugs being supplied.

Death occurred after patient's discussion with hospital director, due to drugs shortage for which he had waited more than two hours.

In its research, this public autonomous Organism counted with allowed elements that highlight human rights violations to health protection and decent treatment, in victim's detriment, attributable to clinic's officer. The full text of this Recommendation may be consulted on page [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_008.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_008.pdf)

**PROMOTE HUMAN RIGHTS OF INDIGENOUS OLDER ADULTS**

**CGCP/009/13**

*January 9<sup>th</sup>, 2013*

The CNDH considers necessary to strengthen public policies aimed to ensure indigenous communities' older adults a dignified life, with their human rights full enjoyment.

These circumstances can cause lack of access to social services, such as health, like drugs supply, are fundamental. Official data indicate that only 57.1 percent of indigenous population is rightful claimant to these services.

In order to rise their human rights awareness among inhabitants of these communities, particularly those of older adults, this national autonomous Organism conducted during 2012, 335 promotion and training activities such as workshops, lectures, conferences

and courses, attended by 18 thousand 178 people.

Of the 15.7 million indigenous people living in the country, less than one million over age 60 years; these people life expectancy is around 69 years, seven years less in comparison to national average.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_009.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_009.pdf)



## GENERATE CHANGES IN THE WAY PEOPLE WITH DISABILITIES ARE TAKEN IN CONSIDERATION

### CGCP/010/13

January 10<sup>th</sup>, 2013

To the CNDH, Mexican State must respect, protect, and defend ensure unrestricted rights of persons with disabilities, recognized by International Convention on the matter, an international treaty which México is part.

Public servants are forced to make adjustments and positive actions that may be required to ensure equal opportunities

for this group of the society comprised by five million 739 thousand 270 people, according to Census 2010.

Stresses that one of the main objectives of the Convention is to generate a change in a social way of considering persons with disabilities, to recognize his/her capacity as holder and a subject of rights, as well as the faculty and ability to make decisions about his/her life, and full participation in formulation and implementation of public policies that may affect them. The CNDH believes that it is

not enough with Convention's adoption, since its effect by itself does not ensure rights' exercise; full dissemination is required in all areas and implements necessary strategies for their implementation.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_010.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_010.pdf)

## CARE FOR WOMEN WITH HIV OR AIDS

### CGCP/011/13

January 11<sup>th</sup>, 2013

The National Human Rights Commission considers fundamental respect to human rights of people living with HIV or AIDS, in order to eradicate all forms of rejection, discrimination and abuse to which they are subjected.

With this purpose, edited primer "Women, pregnancy and HIV", which clears doubts that might arise in case of pregnant women living with

HIV or AIDS, in relation to their human rights.

If we start from basis that not all women know if are living with HIV, the NOM 010-SSA2 2010 (Mexican regulation), in its article 6.3.6 notes that it is obligation of institutions making up the national health system, to provide HIV screening test to people, on a voluntary and confidential way for health care, with special emphasis on pregnant women to prevent maternal-infant infection.

In Mexico there is the possibility that women who require it,

receive therapeutic care during and after pregnancy, in addition that antiretroviral drugs are free for those who need them.

It is necessary, authorities unify and established criteria for comprehensive care of HIV and AIDS, involving prevention, health promotion and care. The primer "Women, pregnancy and HIV", can be found at: [www.cndh.mx](http://www.cndh.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_011.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_011.pdf)

## CHILDREN PROTECTION

### CGCP/012/13

January 12<sup>th</sup>, 2013

The CNDH redoubles efforts to protect children from actions that violate their rights and dignity.

The autonomous public Organism calls upon society to foster complaint culture and ensure that it can be indicted before authorities who neglect, abandon, give negligent treatment or exploit children in all forms.

The National Commission received during 2012, a total of one thousand 524 complaints for alleged violations to children's rights; 641 cases were girls and 883 boys. Most outlined authorities were; the Public Education Secretariat, with 287

complaints; the Mexican Institute of Social Security (Spanish initials – IMSS), 69 complaints and 46 to the National Defense Secretariat.

Also, there were 31 allegations against the Mexican Attorney General's Office (Spanish initials –PGR); 25 to Federal Police; 24 to the State's Employees' Social Security and Social Services Institute (ISSSTE), and 21 to the National Immigration Institute (Spanish initials – INM) of the Secretariat of the Interior (SEGOB).

Among received complaints from 1 January to 31 December 2012 by minors' cases, the following facts violations are highlighted: providing education

service wrongfully; to omit providing facilities and adequate materials to educational service; wrongfully providing public service.

The CNDH through its Program on Children's and Family Affairs, safeguards this population's group rights by different activities to prevent minors to be victims of abuse and foster among them respect and tolerance.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_012.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_012.pdf)

**ERRADICATE LABOR DISCRIMINATION TOWARDS WOMEN**

**CGCP/013/13**

*January 13<sup>th</sup>, 2013*

The National Human Rights Commission considers necessary to strengthen actions aimed to eradicate all forms of gender discrimination experienced by women at workplace.

Results by a national women's survey, which includes a section on workplace violence, reported that 20.6 percent of women over 15 years, have experienced some form of

discrimination at work, mainly being, married women or cohabiting (48.5 percent).

During 2012, the CNDH's Program on Women's Affairs and of Equality between Women and Men, disseminated information on women's human rights and equal principle to 18 thousand 178 people, through 335 activities and distributed over 40 thousand copies of printed materials such as: brochures, primers, posters and dividers.

This national Organism reaffirms its commitment to both men and women to fully enjoy their human rights, so it is essential to promote a culture of equality that contribute building an inclusive society that respects rights of all.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_013.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_013.pdf)

**CNDH INVESTIGATES THE CASE WHERE FEDERAL POLICE ELEMENTS VIOLATE HUMAN RIGHTS**

**CGCP/014/13**

*January 14<sup>th</sup>, 2013*

The CNDH began an investigation regarding Federal Police elements, commissioned to the border of Reynosa, Tamaulipas, alleged responsibility, related to construction worker's human rights violation, who was allegedly beaten by police while was awaiting public transport on his way home.

According to information published by the media, the victim and another

person were waiting for "La Pesera" when two Federal Preventive Police units stopped, whose occupants got off the vehicles, forced people to get into the units and drove them to San Ricardo neighborhood, where they took construction worker out of the vehicle, beating and leaving him at place, ignoring other person's whereabouts.

The victim was treated by Red Cross paramedics and transferred to General Hospital. The CNDH will follow up timely events, shall exercise its legal authority to

ensure full respect for and promotion of victims' human rights; will initiate investigations and, in due course, issue determination to proceed according to law.

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

**CNDH REQUESTS PRECAUTIONARY MEASURES FOR MIGRANTS**

**CGCP/015/13**

*January 15<sup>th</sup>, 2013*

The CNDH requested to the National Immigration Institute (Spanish initials – INM), precautionary measures for a woman and her son, Salvadoran migrants, in order to adopt actions that proceed according to law and to avoid being deported or transferred to another migration center assurance and safeguard their physical and psychological integrity.

This national Organism opened file, due to com-

plaint lodged by the victim, same expanded upon receiving a written from the Human Rights Center Fray Matías A. C.

In which it is being reported, that migrants asked the Mexican Commission for the Help of Refugees the recognition as refugees, which was denied, however, that both have received death threats from members of criminal groups in their country.

Under provisions of article 117 of the CNDH procedure rules, acceptance response

to precautionary measures must be submitted within three days maximum.

Without prejudging migration procedures merits and appropriate refuge, the CNDH requested implementation of precautionary measures based on provisions of articles 3, 6, fraction II and 40 of its Law, as well as articles 116, 117 and 118 of its Rules and Procedures.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_015.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_015.pdf)





## CNDH ATTRACTED CDH MORELOS' COMPLAINT BY OMISSION OF THE AUTHORITIES

**CGCP/016/13**

January 17<sup>th</sup>, 2013

The National Human Rights Commission attracted open complaint by Morelos' Human Rights Commission due to recent events at Cuernavaca city, Morelos, concerning alleged failure of public servants of Attorney General of Justice (Spanish initials-PGJ) of state.

This is case of a young man who allegedly deprived his girlfriend's life in Cuernavaca city, Morelos, against him was issued arrest warrant that has not

been completed.

Although victim's parents provided data to locate the fugitive in Guadalajara, Jalisco to PGJ of Morelos, has not been proceeded to arrest and have acted with delay and have brought various bureaucratic obstacles.

At request victim's relatives, who lodged complaint with the State Commission, the CNDH will review entity's PGJ public servants performance to verify law has been applied, also to clarify whether national stan-

dards and international treaties protecting victims' rights were violated.

The National Commission reiterated its commitment to follow up the case and will be attentive to actions authorities' conduct in favor of crime victims.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_016.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_016.pdf)

## CNDH OPENS FILE BY DISCRIMINATION IN TIJUANA

**CGCP/017/13**

January 18<sup>th</sup>, 2013

The CNDH opened record of study for victims case, due to a young man 33 years old with physical disability who was subject of discrimination in Tijuana, Baja California, to whom access was conditioned to a theater, without accessibility conditions established by the international instruments and laws in our country, as well as General Law for inclusion of Persons with Disabilities.

The young man uses for his displacement a wheelchair because suffers of multiple sclerosis, bought tickets for the show; theater's staff prevented him

from entering, arguing that there was no access for wheelchairs, plus trying to force him to pay five tickets equivalent to allow his entrance.

The Convention on Rights of Persons with Disabilities, in its article 30 recognizes "the right of persons with disabilities to participate on equal terms with the other, in the cultural life and shall take all appropriate measures to ensure that persons with disabilities [ ... ] have access to places where offer performances or cultural services such as theaters, museums, cinemas, libraries and tourism services and, as far as possible, enjoy access to monuments and sites of national cultural significance".

This order is of mandatory observance in the Mexican State from the Constitutional Reform in human rights matter published in the Official Journal of the Federation on 10 June, 2011.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_017.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_017.pdf)

## MIGRANTS' RIGHTS TO RECEIVE MEDICAL CARE

**CGCP/018/13**

January 19<sup>th</sup>, 2013

The CNDH considers indispensable that State ensures migrants who pass through our country, to get necessary medical services to safeguard their health and life.

Although Migration Law provides in article 8 that migrants are entitled to receive, free of charge and without restriction, necessary emergency medical attention to preserve her/his life, many don't request it because they don't know their rights or by fear of being arrested, and others have requested intervention of the

National Commission, arguing that this right is denied when it's being require to authorities.

In 2012, personnel of this national Organism has carried out 320 thousand visits to migratory stations, in where they assisted 36 thousand 148 people; derived from which began 342 complaint files.

In these visits took place 6 thousand 986 procedures on behalf of the sheltered ones before migratory stations' authorities.

There were carried out 441 visits to places dependent on a different authority to the migratory one in where there is a high concentration of migrants, such as airports, bus and rail-

way terminals, border crossings and review points among others, to monitor migrants' treatment and to know their points of view, gather testimonies, and where appropriate, to initiate respective complaint files. In these visits were met 5 thousand 803 people. Also 560 visits were carried out to homes or shelters for migrants in which 19 thousand 709 people were attended.

Coverage was supplemented with 304 visits to migrants' transit places, such as public squares or railway tracks, where 18 thousand 543 people were assisted.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_018.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_018.pdf)



**MOTHERS OF ELEMENTARY SCHOOL STUDENTS ASKED FOR SUPPORT TO THE CNDH**

**CGCP/019/13**

*January 20<sup>th</sup>, 2013*

The CNDH began complaint file in order to investigate alleged human rights violations in detriment of students from primary school "Luis Cabrera", belonging to Public Education Secretariat, located at Venustiano Carranza municipality in the Federal District.

A group of students' mothers visited this national autonomous Organism's offices seeking for support

in order to denounce that from next February 1st, authorities from aforementioned school will surpass agreement's terms of "extended school day", during which teaching staff offers courses of English, computer, arts education and sports.

The CNDH will investigate compatibility of extended school day with educational benefits added to basic education scheme received by employees' school children of the Finance and Public Credit Secretariat (Spanish initials- SHCP) by reason of employment be-

nefits.

The National Commission remains attentive to investigation's development and once file is integrated, determination will be issued under the applicable law, while ensuring respect for children's rights and in particular case, the right to education with quality.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_019.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_019.pdf)

**CNDH INVESTIGATES INSTANCES OF SELF-DEFENSE IN GUERRERO**

**CGCP/020/13**

*January 21<sup>st</sup>, 2013*

The National Human Rights Commission began ex officio complaint by case related to so-called self-defense movement formed by different citizens' organizations from Ayutla de los Libres, San Marcos and Tecoanapa, among other municipalities of the state of Guerrero.

Since 15 days ago, "community police" have taken safety control in these municipalities at the Costa Chica of the entity, through checkpoints with armed personnel, curfews

and classes' suspension due to fear of being victims of organized crime

The CNDH believes public safety is a human right and is directly related to the concept of rule of law and public peace.

Also, remembers article 17 of Politic Constitution of the United Mexican States provides that no person may take justice by herself/himself or exercise violence to claim their rights.

Therefore, considers urgent that those authorities, federal and state foster mechanisms allowing population's care and pro-

tection and fully guarantee their safety.

It will be therefore, subject for this investigation, actions and omissions of aforementioned authorities in cited municipalities of the state of Guerrero.

Once integrated complaint investigation, the CNDH will issue determination in accordance with law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_020.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_020.pdf)

**INADEQUATE ATTENTION CAUSES NEUROLOGICAL DAMAGE TO NEW BORN AT IMSS**

**CGCP/021/13**

*22 enero, 2013*

The National Human Rights Commission issued Recommendation 01/2013, addressed to General Director of the Mexican Institute of Social Security (Spanish initials - IMSS), by inadequate attention of medical personnel of the Regional General Hospital number 36 in Puebla, Puebla.

Is case of a patient that wasn't treated timely and properly at childbirth, and

whose son suffered neurological damage due to respiratory arrest secondary to hypoglycemia.

From the CNDH's evidence legal analysis, comprising the file, noted right's violations to health protection to victims' detriment, attributable to medical staff assigned to the Regional General Hospital No. 36 of the IMSS in Puebla, Puebla.

Importantly to point out that for the National Human Rights Commission,

violations committed against the newborn, have special consideration because victim's prevailing vulnerability being a minor.

The full recommendation text can be consulted on page [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_021.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_021.pdf)



## CNDH INVESTIGATES EXPULSION OF TZOTZIL INDIGENOUS PEOPLE FROM EJIDO CHIGTÓN (COMMUNAL LAND), CHIAPAS

**CGCP/022/13**

January 23<sup>rd</sup>, 2013

The CNDH investigates displacement case of 13 Tzotzil families from ejido (communal land) Chigtón, Chiapas by communal authorities indications, due opposing to arbitrary decisions, such as public demonstrations in various communication channels.

Executive Committee members suspended victims' services such as, access to clean drinking wa-

ter, health clinic, to federal and state supports, and schools.

Victims pointed out that were beaten by ejidales (people belonging to communal land) representatives, stripped off their land, and expelled them from their community, so those facts were denounced to various state authorities, which haven't been resolved.

This led to family disintegration, so they had to disperse or to live in shelters, in precarious

and unhealthy conditions, driven to gastrointestinal diseases suffer and skin infections without receiving adequate medical care, plaintiffs stated not having suitable means for sustenance.

Once file is integrated, this national Organism will issue relevant determination.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_022.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_022.pdf)

## RECOMMENDATION ADDRESSED TO INAH DUE TO CULTURAL PROPERTY DAMAGE IN CUAUTITLÁN

**CGCP/023/13**

January 24<sup>th</sup>, 2013

The CNDH issued Recommendation 3/2013, addressed to the National Institute of Anthropology and History (Spanish initials-INAH), by human rights transgressions to cultural life participation, access to culture benefits and common heritage, referred in article 4, paragraph eleven of the Political Constitution of the United Mexican States.

The aforementioned, derived from ex officio research initiated due to various journalistic

news reporting on neglect status in which archaeological remains located at campus known as "El Terremoto", at Cuautitlán of Romero Rubio municipality, in the State of México.

By issue's importance, the National Commission personnel stood in site, where archeological remains are located, acknowledging abandonment situation and disregard to thereof by INAH.

To the CNDH is worrying the fact that archaeological remains, which are vestiges of our culture, are found unprotected

and without necessary shelter due to authorities' inattention, causing cultural heritage damage and limited access to knowledge about our ancestors way of life and development. The full text of this recommendation can be consulted on page. [www.cndh.org.mx](http://www.cndh.org.mx).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_023.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_023.pdf)

## STRENGTHEN ACTIONS AGAINST HUMAN TRAFFICKING

**CGCP/024/13**

January 25<sup>th</sup>, 2013

To the CNDH, human trafficking is a direct assault crime to people's dignity, undermining their freedom.

Among some of the vulnerabilities facilitating emergence and growth of this problem are: discrimination, violence and inequality restricting economic, social and cultural rights of the people.

In this regard, girls and boys, women, indigenous people, migrants, older adults and persons with disabilities, are the most exposed.

By end of 2012, this autonomous national Organism launched Campaign against Human Trafficking in National Indigenous Languages, with increasing purpose of awareness and warn population about mentioned illicit.

Through this campaign, which started in the city of Mérida, Yucatán, were trained interpreters in Mayan language and public servants of both the District Attorney's office of the state as the Institute for the Development of Mayan Culture, to be enable to disseminate directly the prevention message among the various indigenous communities.

The actress Kate del Castillo, Ambassador of the CNDH against Human Trafficking, participated in a meeting with indigenous community from Chocholá, Yucatán, in order to raise awareness among people about risks to which they are exposed and disseminate prevention messages.

The National Commission reiterates its commitment to joint efforts with civil society organizations and governments in order to protect society against this scourge.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_024.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_024.pdf)



**DR. RAÚL PLASCENCIA RECEIVES THE OMBUDSMAN OF CHIAPAS**

**CGCP/025/13**

*January 25<sup>th</sup>, 2013*

Dr. Raúl Plascencia Villanueva, president of the National Human Rights Commission held a working meeting with newly elected president of the State Council for Human Rights in Chiapas, Lorenzo López Hernández.

During the meeting af-

firmed institutional cooperation links and revised working agenda to reinforce promotion actions, dissemination, protection and defense of human rights.

It was informed that shortly will be held in Tapachula, Chiapas, a forum that will address issues on migration and human trafficking.

The CNDH reiterates its supporting commitment to state organisms defenders of human rights in the areas of its competence and in common themes.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_025.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_025.pdf)

**THE CNDH AND THE CEDH OF NUEVO LEÓN, AFFIRMED COLLABORATION LINKS**

**CGCP/026/13**

*January 25<sup>th</sup>, 2013*

The president of the National Human Rights Commission, Dr. Raúl Plascencia Villanueva held a working meeting with the president of the State Human Rights Commission of Nuevo León, Minerva Martínez Garza.

During the meeting affirmed need to maintain coordination and communication between the two

agencies in order to establish working strategies that would strengthen actions of promotion, dissemination, protection and defense of human rights.

Also established working schemes designed to achieve recommendations issued by the National Commission and the State Commission, in relation to the Casino Royale, are met for victim's benefit of fire happened at that location and their families.

The President of the CNDH reiterated his supporting commitment to state organisms defenders of human rights in the areas of its competence and in common themes.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_026\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_026_1.pdf)

**THE CNDH INVESTIGATES INSECURITY EVENT AT NAHUA INDIGENOUS COMMUNITY OF MICHOACÁN**

**CGCP/027/13**

*January 26<sup>th</sup>, 2013*

The CNDH placed complaint file due to arose events between local community members of Santa María Ostula and smallholders of "La Placita", belonging to Aquila municipality, Michoacán.

The plaintiffs stated that between October 6 and December 6 of 2011, there were various homicides and disappearances of several ejidatarios (communal land holders), that up to date it hasn't been exercised corresponding criminal proceedings or achieved restoring peace and public order.

Highlighting, the murder of Pedro Leyva Domínguez indigenous activist, representative of Movement for Peace with Justice and Dignity of cited community and of José Trinidad de la Cruz Crisóstomo, local community member of Santa María Ostula, as disappearances of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, belonging to that population.

The CNDH observed that authorities have been remiss for further investigation of facts, which evidences appropriate clarification delay, circumstance placing victims and their families at a dual vulner-

able situation, considering that in addition to suffer criminal act consequences, suffering from inactivity of the authority to resolve investigations and persecute those responsible.

According to the aforementioned, the CNDH considers it a priority that authorities involved, generate actions to ensure protection of human rights, public safety and proper administration of justice to inhabitants of indigenous communities.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_027.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_027.pdf)

**URGE PROMOTION TO INCLUSION'S CULTURE FOR PEOPLE WITH DISABILITIES**

**CGCP/028/13**

January 27<sup>th</sup>, 2013

The CNDH considers it necessary to create inclusive spaces for persons with disabilities in order to achieve equal opportunities in all areas and full development.

Urge promote nationwide inclusive public policies favoring access to labor market, in all areas of life and promote fulfillment of rights to autonomy and self-determination .

Authorities and enterprises must disseminate among soci-

ety that disability is not a matter of health but of human rights.

The CNDH, on 2012, carried out the "National Campaign for the Inclusion of People with Disabilities", along the 31 States of the Mexican Republic and the Federal District, with more than 98 promotional events; international congresses, state and national forums, and roundtable discussions.

This achieved directly impact to more than 13 thousand 340 people. In addition, were performed 835 actions in which oversaw implementation of the

Convention on the Rights of Persons with Disabilities, and provided over 167 consultancies their rights matters.

This autonomous public Organism received during this period, 450 complaints regarding to discrimination in workplace, lack of access to education due to inadequate facilities existence; negligence in medical services granting and lack of respect for their rights.

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

**RESPECT FOR HUMAN RIGHTS TO PREVENT EVENTS LIKE THE HOLOCAUST**

**CGCP/029/13**

January 29<sup>th</sup>, 2013

The President of the CNDH assured that human rights' culture is critical for the prevention of heinous acts such as Holocaust.

He argued that to eradicate the suffering caused by these despicable practices, we must contribute to develop more democratic and inclusive societies.

During remembrance ceremony of the "International Annual Commemoration Day in Memory of the Victims of the Holocaust", the national Om-

budsman assured that we cannot be tolerant with others sufferings, while speaking to members of the Jewish community in México, Holocaust survivors, different civil associations members and members of the diplomatic corps, gathered at auditorium "Jaime Torres Bodet" at the National Museum of Anthropology.

The ceremony was attended by Eva Lijtszain, president of the Association of Yad Vashem México; David Dichi, vice president of the Central Committee of the Jewish community in México, A. C.; Javier Hernández Valencia, representative in México of the UN High Com-

missioner for Human Rights; Rodica Radian Gordon, Ambassador of Israel in México; Marcos Fastlicht Sackler, chairman of the Trustees of the Museum of Anthropology; Jadranka Mihalic, director of the United Nations Information Center in México, Cuba and the Dominican Republic, and Peter Katz, holocaust survivor.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_029.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_029.pdf)

**CNDH REDOUBLES ACTIVITIES WITH 14 INSTITUTIONS IN FAVOR OF INDIGENOUS PEOPLE**

**CGCP/030/13**

January 29<sup>th</sup>, 2013

The National Human Rights Commission began a series of conversation forums with 14 national and international institutions to be carried out this year, and in which will participate the various indigenous groups in our country.

The thereof purpose is to strengthen protection, defense, observance and human rights' promotion of indigenous peoples of México.

This National Human Rights Commission working meeting, was attended by the representative of the United Nations High Commissioner for Human Rights, the Commissioner for Dialogue with the Indigenous Peoples of México of the Secretariat of the Interior (SEGOB), the General Coordinator

of Intercultural Education of the SEP, General Director of the National Institute of Indigenous Languages, the Chairman of the Consulting Council of the National Commission for Indigenous Peoples Development, the Rector of the Universidad Autónoma Indígena de México of the State of Sinaloa, the Rector of the Universidad Intercultural of the state of Chiapas, the Coordinator of the Doctoral and Masters degree Program in Indo-american linguistics from the Research Center and Higher Studies in Social Anthropology, CIESAS, the Coordinator of the Labor Program, labor market and human capital of the Instituto Tecnológico de Estudios Superiores de Monterrey, the President of the NGO "Assembly of Indigenous Migrants of México City" as well as the Head of Education of the United Nations Children's Fund and representatives of the Commission of Indige-

nous Affairs of the Senate of the Republic, of the United Nations Mexican system and the National Institute of Anthropology and History.

Those present agreed to participate in the various activities that the CNDH will deploy throughout the country to provide comprehensive care to the indigenous peoples and strengthen the defense of their human rights.



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



**THE PRESIDENT OF THE CNDH PRESENTS ACTIVITIES REPORT TO THE LEGISLATIVE BRANCH**

**CGCP/031/13**

*January 30<sup>th</sup>, 2013*

At presenting his Activities Report for 2012 before deputies and senators, members of the Permanent Commission of the Congress of the Union, the president of the CNDH, Dr. Raúl Plascencia Villanueva, highlighted the negative impact of human rights' exercise due to constant confrontation between authorities responsible for public safety and organized crime.

The national Ombudsman stated his disagreement with public servants proposals changes to eliminate

pro person principle and limit the scope of its content, facing complications to implement the constitutional reform of 2011 in human rights matters.

He suggested finding appropriate formulas in order to enforce rights derived from such transcendent constitutional amendments and to its development within secondary legislation, to add international standards and encourage institutional strengthening in its design.

During his presentation, Plascencia Villanueva listed the main actions undertaken during the third year of his tenure as head of the

CNDH. He stressed that in 2012 were received 41 thousand 662 written complaints and 371 thousand 522 services were provided, implying a significant increase in the attention provided by the Organism staff to the plaintiffs. The report can be consulted on the page [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_031.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_031.pdf)



**THE CNDH INVESTIGATES INTIMIDATION AGAINST INDIGENOUS PEOPLE OF OLINTLA, PUEBLA**

**CGCP/032/13**

*January 30<sup>th</sup>, 2013*

The CNDH investigates complaint of alleged harassment and intimidation suffered by Totonaca Indigenous community Ignacio Zaragoza at Olintla municipality, Puebla, by state and municipal authorities, because were protesting against an hydroelectric power plant construction in the region.

Plaintiffs indicated that Grupo México Company, plans to build an hydroelectric plant to supply its mines; however, they point out that have destroyed crops and vegetation in the area; have occupied land owned by residents and seek to strip inhabitants of their plots; coupled with environmental impact that would result in the region by river-

bed's diversion of the Ajajalpan river.

Moreover, complainants stated that Olintla's citizens and Tiyat Tlali Council have not been consulted about project's construction, nor have received information about impact that mentioned building work will cause to territory's residents of the poblano communities.

Indigenous people are persons in vulnerability situation, therefore, the CNDH considers that the authorities must take urgent and permanent actions to ensure human rights' protection and defense to inhabitants in Olintla, Puebla and makes them an attentive call in order to ensure physical safety to those who have publicly stated their disagreement on hydroelectric project.

Once integrated complaint file, the CNDH will issue determination under applicable law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_032.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_032.pdf)



**PARENTS VICTIMS OF THE MURDER OF THEIR DAUGHTER, TURNED TO THE CNDH SEEKING FOR HELP.**

**CGCP/033/13**

*January 31<sup>st</sup>, 2013*

The parents of a child deprived of life on December 12, 2012 in Temixco municipality, in the State of Morelos, turned to the National Human Rights Commission to seek for help, due to the inhumane treatment that they had been object, by entity's federal authorities investigating their daughter's murder.

Victims were received by the National Ombudsman, who at listening child's mother claims, about how are facing transgressions suffering by hands of Attorney General's Office public servants of the state of Morelos, and demanding that their daughter's murder shouldn't be left unpunished; he

informed them that according to the powers of the Organism, as soon as he became aware of the matter, took case from his state counterpart in order to investigate incurred irregularities by those authorities.

He also remarked, that precautionary measures have been requested to federal entity governor, in order to ensure the rights, that within their quality of crime victims are recognized by the Political Constitution of the United Mexican States; to demand to Attorney General of Justice in the State of Morelos to take urgent steps to arrest the probable suspect, before he evade justice action; to instruct this unit's public servants conducting research, to refrain from re

victimize victim's family; and to allow visitors attached to this national Organism, access to proceedings that have been done as a result of these unfortunate events.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_033.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_033.pdf)

**BOOK OF THE MONTH**

**Education in Human Rights through Cyberspace**

Authors: Albert Gómez, María José y García Pérez Calabuig, María

Editorial: Editorial Universitaria Ramón Areces  
 ISBN: 9788499610399  
 N<sup>o</sup> de edición: 1  
 Pub Date: 2011

Description:  
 It is intended to provide an opportunity to understand the real situation of human rights in today's society, the informa-

tion society.

Part of the historical analysis up to present moment, thus it aims to be a document that invites reflection and discussion for defense of a culture based on respect and dissemination of human rights in cyberspace.

Content:  
 Presentation.- Part one: The social contexts and their links to internet.- Human rights in educational and social contexts.- Human rights, the internet and the technologies.- Part II: Human rights and social discrimi-

nation: children, women and the disabled.- human rights and women.- The rights of the child in the information society: risks and opportunities.- The disabled and the full development of their human rights.

<https://www.libreriadelauned.es/Libro-LA-EDUCACION-EN-DERECHOS-HUMANOS-A-TRAVES-DEL-CIBERESPACIO/9788499610399/466952>



## ARTICLE OF THE MONTH

### 2013: Toward effectiveness of human rights and child rights

Luis Alberto Barquera

I started the year reading "Thinking in the twentieth century", by Tony Judt, and "Progress in community. Popular Experiences in Latin America", by Albert O. Hirschman, two books that offer elements about where we come from, about what we have here, and that throw light on relevant learning to quality of the debate on human rights in México.

From Judt's work, who died in 2010, I recovered the idea that the search for truth involves many types of search. This is pluralism. Following Isaiah Berlin, notes that all political options involve real and unavoidable costs.

Policy decisions, like everything else in life, losses and significant incomes. The necessary condition for an open society, in the line of Popper, is the awareness that things are always changing in various ways, and that, however, it is an illusion total change. There is an uncertainty intrinsic in the nature of our life.

The message is that explanations are partial and provisional. In this sense, teaching of the twentieth century is that fascism and communism are remarkably similar and would be precisely in the opposite side.

Human rights marked a new language for both liberalism, and to the left. So, in this and other books suggests that, among current options, the social-democracy is the best one for a decent life (for example, to meet the growing insecurity caused by excessive economic freedom).

No wonder he says that, unlike what was happening around those positions of the past, defense and promotion of large abstractions can only occur "to defend and promote the protection of institutions, laws, rules and practices that embody our best to capture those great ab-

stractions."

In this context is essential to contribute Judt "civic conversation", which means demand and unrestricted open debate about uncomfortable issues.

Hirschman, sharp observer of social movements and their impact on democratic life, died in the twilight of 2012.

As a tribute to his memory once again I read this amazing book, as is the greater part of his life and work. I'll take a perspective from which compels the debate continued efforts of organized society. A very stimulating idea is the Principle of Conservation and Mutation of the Social Energy.

During his trip in the 80's by visiting projects of "popular development" in six countries discovered that the most committed people had previous experiences of collective action.

The social power of a movement away from with the scene apparent defeat, but that is then converted them into another. This means that there are no definitive failures.

There is a continuity fed by an "intangible benefits of cooperative action"; "the workers of this vineyard" considered their activity "as valuable in itself" and are convinced that profound changes are required in all orders.

In his reading distance between rights and its effective exercise has a double effect: it is a source of enormous social tension, but also "the source of the very diverse local efforts to reduce such distance".

With this story, Hirschman wonders, we should wait until these rights, fall into our lap? This last question, and expressing these two rivers that bind, comes about because the learning and tensions of the twentieth century are useful to put into perspective two legislative initiatives with which we also start the year. The human rights reform in 2012, we caught up with the last century, forces us to a broad discussion on what

are the institutions and laws that allow us to capture in the concrete and get major abstractions the best way to become Constitution's Article 1 effective.

The initiative of Mr. Francisco Arroyo V. (deputy) to amend article 1 has not been well received because it is considered regressive: aims, against the principle pro person and of the "constitutional block", neutralize the possibility to recourse to international treaties in the event of dispute and return to the idea that the Constitution must prevail over these.

The other from Jorge Herrera D. (deputy), raises reform the current Law for the Protection of the Rights of Children and Adolescents for adding a program and a national health care system, promoting and ensuring the rights of children and adolescents, as well as an information service on the subject. They certainly are central themes that should be part of what all the political forces, including the president of the republic, boosting agree: get a general law effective in guaranteeing rights, which would transcend capacity in the existing institutional framework.

It is a fact that there are problems to operate key rights, but this is not resolved nor backward nor shortening paths: a central issue is to advance the alignment of secondary legislation with the letter and spirit of Article 1 to ensure effective application. Education reform teaches us that this is just beginning.

<http://www.ljz.mx/secciones/opinion/67-opinion/37398-2013-hacia-la-efectividad-en-derechos-humanos-y-derechos-de-los-ninos.html>



## RECOMMENDATIONS

### RECOMMENDATION 01/2013

**MATTER:** About case of inadequate medical care in detriment of V1 and V2, at Hospital General Regional No. 36, of the IMSS in the state of Puebla.

**RESPONSIBLE AUTHORITY:** General Director of the Mexican Institute of Social Security (Spanish initials– IMSS)

January 14<sup>th</sup>, 2013

The National Human Rights Commission began complaint file CNDH/ 1/2011/ 8644/Q, due that on May 21, 2011, V1, 35 years old woman with 39 weeks pregnancy, presented lumbar pain and contractions, turned to the Hospital General Regional No. 36 of the IMSS, in Puebla, Puebla, where was treated by the AR1 and AR2; subsequently, approximately at 16:00 , birth of her son V2 occurred, V2 was examined from then until the 23rd of that

month and year, by physicians AR3, AR4 and AR5.

Subsequently, on July 5, 2011, V2 was detected with a clinical diagnose sequels of hypoxic ischemic encephalopathy and neurodevelopment delay, derived from a cardiorespiratory failure suffered on May 23 of that year, as a consequence of hypoglycemia he suffered not properly and timely corrected by AR3, AR4 and AR5, doctors of the Hospital General Regional No. 36 of the IMSS.

For this reason, on October 5, 2011, V1 (Q1) and her husband (Q2) presented written complaint before the CNDH, which at learning about case requested the respective clinical victim's records to the Complaints and Guidance Services Coordination for IMSS Rightful Claimants; and, once investigation started, this national Organism carried out several inquiries with personnel of cited

Institute in order to provide to V2 the required care.

Finally, from legal evidence's analysis integrating the aforementioned file, the CNDH counted with elements allowing evidence rights' violations to health protection, to detriment of V1 and V2, attributable to AR1, AR2, AR3, AR4 and AR5, medical staff assigned to the Hospital General Regional No. 36 of the IMSS in Puebla, Puebla. On these bases, Recommendation 01/2013 was issued.

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

### RECOMMENDATION 02/2013

**MATTER:** About case of illegal search warrant at V1 and V3's homes, illegal deprivation of freedom and torture to V1's detriment, inhuman treatments in detriment of V2, V3, V5, V6, V11, V12, V13 and V14, and acts of intimidation against V4, V7, V8, V9 y V10, members of the Kumiai indigenous community in Baja California

**RESPONSIBLE AUTHORITY:** Secretary of National Defense

January 21<sup>st</sup>, 2013

The National Human Rights Commission began complaint file CNDH/ 2/ 2012/ 7245/Q, due that in a hearing held on August 2, 2012 and written complaint submitted on the 8<sup>th</sup> of same month and year before the Attorney General's Office for Human Rights and Citizens' Protection of Baja California, by V1, V2, V3, V4, V5, V6, V7, V8, V9, V10 and V11, members of the indigenous community Kumiai in Ensenada, Baja California, reported that on Monday July 30, 2012, around

22:00 hours, military elements arrived in a white pick-up truck and two Cheyenne vans to the community of "La Huerta", in cited municipality, and violently entered V1's home and yelling at gunpoint to the present seeking for weapons.

After, messing up the house and threatened people in it, stating they were looking for V1 to whom, they found, beat and mistreated. Subsequently, continued with abuse towards people who were at site highlighting the case of blows that V1 received in face, 20-year-old woman, daughter of V7.

Then, V1 was removed from her home and hurled into the pick-up truck and driven to an unknown destination, where they continued beating her and tortured, finally arriving to a place called the "Puente San Salvador de la Carretera Ojos Negros" in the Municipality of Ensenada, Baja California, where was thrown to the ground and threatened to keep quiet about what happened.

On August 9, 2012, case brought by the Office of the aforementioned Attorney General's Office for Human Rights was referred to this National Commission, which after conducting cited complaint file legal evidence's analysis, observed behaviors that constitute human rights violations to home inviolability, legality, legal certainty, freedom, integrity and personal safety, health protection and dignified treatment, by facts consisting on illegal search warrant, unlawful freedom deprivation and torture in detriment of V1; cruel, inhuman and degrading treatment in tort of V2, V3, V5, V6, V11, V12, V13 and V14; and intimidation in tort to V4, V7, V8, V9 and V10 by members of the Secretariat of National Defense. On these bases, Recommendation 02/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_002.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_002.pdf)

## RECOMMENDATION 03/2013

**MATTER:** About case of damage and removal of cultural assets committed in the municipality of Cuautitlán of Romero Rubio, State of México.

**RESPONSIBLE AUTHORITY:** General Director of the National Institute of Anthropology and History.

*January 22<sup>nd</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/6/2012/7382/Q, due that on August 16, 2012, through journalistic notes published in various media, this national Organism learned of the neglect and possible artifacts' theft in which its characteristics are constituted as archeological monuments in terms of what is established in articles 5 and 28, the Federal Law on monuments and archaeological, historical and artistic zones, in the municipality of Cuautitlán of Romero Rubio, state of México.

The journalistic notes refer to a property located in the municipality, called "El

Terremote" or "El Terremoto", remain abandoned, "from four years ago," archaeological remains, in both outdoors and in warehouses. Among cultural property were pectoral ornaments, shell bracelets, figurines and vases.

Besides that in the site has been found a staircase of a temple, as well as a military settlement belonging to the Toltec culture.

As Initiated complaint file on August 29, 2012, the National Commission, requested appropriate reports to the National Institute of Anthropology and History, to the General Secretariat of the Government of the state of México and the town hall of Cuautitlán of Romero Rubio, in same entity, on August 31 and September 20 of 2012.

Now, from the referred complaint file legal evidence's analysis, it counted with elements that allowed evidence to human rights transgressions, to detriment of all people participating in cultural life, access to culture benefits and the

common heritage, referred to in articles 4, paragraph tenth first, and 21, ninth paragraph, of the Political Constitution of the United Mexican States, attributable to the AR1 and AR2. On these bases, Recommendation 03/2013 was issued.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/>



**RECOMMENDATION 04/2013**

**MATTER:** About case of Access refusal to pension rights for retirement bonus in detriment to V1

**RESPONSIBLE AUTHORITY:** General Director of the Mexican Institute of Social Security (Spanish initials – IMSS)

*January 31<sup>ST</sup>, 2013*

The National Commission of Human Rights began complaint file CNDH/ 6/2011/ 9547/ Q, due that on February 12, 2007, IMSS recognized V1, 511 Weeks quoted by that organism, reason why, on May 28, 2007 it granted pension for retirement bonus, covered up until the month of April 2008.

By ex-officio dated March 12<sup>th</sup>, 2007, the IMSS ordered a specific character visit to P1, alleged employer of V1, in order to check period relationship work from February 1<sup>st</sup>, 2006 to January 31<sup>st</sup>, 2007, however in the verification visit P1 couldn't be localized at given address as working place of V1.

Due aforementioned, through ex officio of June 26<sup>th</sup>, 2008, AR4, reported V1 that derived from certification issued by the Department of affiliation and observance of the Rights of April 22, 2008, and the aforementioned verification visit, the retirement pension was suspended.

Dissatisfied with previous determination, V1 lodged an appeal for disagreement before advisory council of the borough south of Federal District of the IMSS. Accordingly, this Advisory Council through agreement of January 8, 2010, determined to nullify contested act by not be duly founded and motivated, to be issued a new one that

understood these requirements legality.

On 17 September 2010, AR4, head of the Department of Pensions at the Regional Sub Office 10 "Churubusco", gave effect to the mentioned agreement in previous paragraph, confirming that only have been recognized 459 quoted weeks to V1, and pension refusal for retirement bonus. Once again, dissatisfied with the resolution, V1, by letter dated October 18, 2010, filed an appeal for disagreement 2 before the IMSS, and receiving no response, on 28 October 2011, Q1 lodged complaint with this national Organism by considering possible transgressions to human rights to V1.

The IMSS informed to this National Commission that appeal for nonconformity 2, was resolved through agreement of November 9, 2010, issued by the cited Advisory Council, same as according to authority V1 was notified on February 25, 2011, prior subpoena of the 24<sup>th</sup> of the same month and year.

However, as of the date of the preparation of the present Recommendation, V1 has not been notified of the agreement on 9 November 2010. Parallel-mind, on 17 March 2009, SP1 filed a criminal complaint before the agent of the Federal Public Ministry against V1, by consider alleged responsible for the crime of fraud, there being no Checked the employment relationship with P1, and considered that the co-members that made by concept of the pension that was granted on 28 May 2007, were improper, with which he settled the prior investigation 1.

On November 26, 2009,

the agent of the Federal Public Ministry concluded that facts alleged by the IMSS not constitute a crime, without any responsibility for V1, consequently, on December 10, 2009, resolved the No Exercise of Criminal Action in the preliminary 1.

It is noteworthy that the NHRC has no knowledge that the date of the issuance of this recommendation has been initiated in any administrative proceeding with work of public servants-IMSS.

As legal analysis to record evidence of cited complaint, this national agency observed human rights' transgressions to legality, legal certainty, access to justice and social security, in detriment of V1 attributable to AR1, AR2, AR3, AR4 and AR5, for suspending payment of retirement bonus been granted, without having founded the act of authority, or have provided guarantees for preliminary hearing to manifest what his right desired, and decision for not notifying the recourse of disagreement 2, asserted against the elimination of the pension that had been previously recognized and paid. On these bases, Recommendation 04/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_004.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_004.pdf)





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