



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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## The voice of the President

**Remarks by Dr. Raul Plascencia Villanueva, President of the National Human Rights Commission, at the opening of the Seminar on Inter-American Human Rights System**

Mexico City, May 13<sup>th</sup>, 2013

Dr. Sergio Garcia Ramirez, former president of the Inter-American Court of Human Rights

Ladies and Gentlemen:

Good Morning, welcome to the National Human Rights Center. In particular to this Seminar on Inter-American Human Rights System and to reiterate our international vocation to a non-judisdictional system for promotion and defense of human rights in Mexico.

Our country does not remain aside from the international institutions that have been articulated to the protection



and defense of the human rights.

However, it is not only there where our national state shows its commitment to this topic.

It is worth to highlight that this commitment finds its most significant expression within the Constitutional Human Rights Reform of 2011, in which, Mexico has recognized full validity of the Human Rights International Law, through its incorporation to the Mexican legal system, Agreements and International Instruments signed and ratified by Mexico.

When the Constitution states

that all persons will enjoy human rights recognized therein and within the international agreements where the Mexican State is a part, our country is fully integrated in an international system of rules that vindicates everyone rights applying universality principles, interdependence, indivisibility and progressiveness.

When the Constitution states that rules on human rights shall be interpreted in accordance with its provisions and international agreements on the matter, favoring all time the protection to people, not only is establishing the pro person principle. Also Mexican authorities are being integrated within a conflict resolution system in human rights matter that not only assumes the existence of international agreements, but also external agencies.

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

## Event of the month

**Dr. Raul Plascencia Villanueva, president of the CNDH, participated at the Twenty-sixth Session of the CIC, held in Geneva, Switzerland**



[http://www.cndh.org.mx/Galeria\\_Fotografica?page=1](http://www.cndh.org.mx/Galeria_Fotografica?page=1)



## THE CNDH CONFIRMS RIGHT TO HEALTH TO BE GUARANTEED FOR MIGRANT POPULATION

**CGCP/121/13**

May 1<sup>st</sup>, 2013



The National Human Rights Commission considers necessary the State ensures migrants, which pass through our country, medical services needed to safeguard their health and life.

Health is a universal human right, recognized by both national and international regulatory framework, in addition to the International Convention on Rights Protection of all Migrant Workers and

the International Covenant on Economic, Social and Cultural Rights, among others. Migration Law, in its article 8 stipulates that she/he migrants, regardless of their immigration status, have the right to receive for free and without restriction urgent medical attention necessary to preserve her/his life.

Nevertheless full recognition to health right, many migrants do not seek for medical care due to their rights' ignorance or by fear of being arrested. In a number of cases interven-

tion of the CNDH has been requested by facing any authority's refusal to provide health services.

In the XV Forum on Migration and Health, conducted by the National Institute of Public Health, were identified vulnerability contexts of economic, legal and labor in the migration, which prevents this population have access to health services.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_121.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_121.pdf)

## THE CNDH INVESTIGATES MIGRANTS' AGGRESSION IN VERACRUZ

**CGCP/122/13**

May 2<sup>nd</sup>, 2013

The CNDH opened investigation due reported facts, by the media, in which it is stated that an organized crime group attacked 60 immigrants that were traveling by train from Coatzacoalcos to Tamaulipas in their way to the United States of America.

According to information published in media,

attackers boarded the train around 19:00 hours last May 1<sup>st</sup>, in order to demand between 100 and 300 dollars each by letting them continue their journey; before refusal, the scuffle broke out giving as a result, in some cases, migrants being thrown away from the train.

The National Commission considers necessary to act with due diligence within investigation and prosecution of those involved,

but overall, with preventive measures to protect migrants passing through our country, and to ensure their personal safety and integrity, regardless their immigration status.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_122.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_122.pdf)

## PREVAILING IMPUNITY WITHIN AGGRESSION TO JOURNALISTS: CNDH

**CGCP/123/13**

May 3<sup>rd</sup>, 2013

The National Human Rights Commission is concerned about attacks against journalists.

From 2000 up to date, the National Commission has documented 84 murders; and from 2005 to April 30<sup>th</sup>, 2013, there have been 20 disappearances of journalists and media workers and 39 attacks against their facilities and

damage to their work tools.

27 out of these 39 cases have been consigned to judicial authority; and 12 out of these 27 cases, convictions have been handed down, so that there is a 91 percent rate of impunity, which reveals lack of results in clarifying such attacks.

Facing this situation, the National Commission, through its *Program of grievance against Journalists and Civil Defenders*

*of Human Right*, fosters a culture for complaint and requires federal and local authorities to act promptly and expeditiously in order to avoid attacks to journalists, media workers and their facilities.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_123\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_123_1.pdf)

## **CNDH CONDUCTS TRAINING TO PREVENT BULLYING TO CHILDREN, PARENTS, TEACHERS AND AUTHORITIES**

**CGCP/124/13**

*May 4<sup>th</sup>, 2013*

Given increasing cases of school harassment or bullying in our country, the National Human Rights Commission conducts training activities to students, their families, teachers and education authorities in order to prevent the phenomenon.

The CNDH has developed the campaign to *Take Down and Eliminate School Violence*, which consists in providing special courses at educational insti-

tutions in order to learn, understand, prevent and combat this violence phenomenon disrupting school life of children and youth.

The National Commission believes that this situation violates right to education and the physical and psychological integrity of childhood and adolescence. To combat bullying at schools, educational authorities should strengthen a comprehensive policy involving teachers, managers, parents, tutors and students. Also, a complaint culture

should be prompted, to listen and students to proceed adequately follow up on each particular case and resolve conflicts.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_124.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_124.pdf)

## **SONORA'S ATTORNEY GENERAL'S OFFICE PUBLIC SERVANT, THREATS AND INTIMIDATES NEIGHBOURS**

**CGCP/125/13**

*May 5<sup>th</sup>, 2013*

The CNDH issued Recommendation 10/2013 addressed to Guillermo Padres Elias, Governor of Sonora, and members of this entity's LX Legislature.

The case is about two people that suffered attempts of forced dispossession of land, and were subject to threats and intimidation by public servants of the Attorney General's Office of the State and the State Police Investigator. At different dates, groups of people tried to take possession of land owned by the aggrieved ones, located one at "Colonia

La Manga" and the other at "El Rosario" in the municipality of Hermosillo, Sonora. While carrying out investigations, violations were observed to legality principles, impartiality and efficiency, and human rights to safety and legal security by acts attributable to a top official of the Attorney General's Office of the entity.

Therefore, in Recommendation 10/2013, this national autonomous Organism, requests the Government of Sonora to instruct public servants involved in this case, in order to restrict their actions to powers attributable by law; to extensively collaborate with the CNDH at complaint processing

and before the Inspector General of that General Attorney's Office and turn relevant instructions in order to accelerate query procedures of the complaints filed by the victims against this public servant.

Also requests to the LX state Legislature, its collaboration within grievance process that the CNDH will promote before the Congress of Sonora.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_125.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_125.pdf)

## **CNDH CONDEMNS TWO SONS' MURDER OF JOURNALISTS DAVID PÁRAMO AND MARTHA NICHOLSON; AND BEGAN EX-OFFICIO COMPLAINT**

**CGCP/126/13**

*May 5<sup>th</sup>, 2013*

The National Human Rights Commission condemns the murder of Alfredo David and Diego Alejandro Páramo Gonzalez, sons of journalists David Páramo and Martha Nicholson, occurred on May 4<sup>th</sup> current year, early hours, in Chihuahua; and demands justice and prompt investigation to

bring responsible ones before justice.

On these reprehensible acts, in order to provide timely relevant research track, CNDH began ex-officio complaint, in accordance with fraction II of article 24 of the CNDH Law.

According to media's version, youngsters received several gunshots as they drove down

Las Aguilas Avenue and Quetzal Street of the aforementioned state's capital.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_126.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_126.pdf)

### CNDH STARTED A COMPLAINT BY ALLEGED HARASSMENT AGAINST STUDENTS FROM (NATIONAL UNIVERSITY) UNAM'S HIGH SCHOOL

**CGCP/127/13**

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

The National Human Rights Commission began complaint by occurred events on April 26<sup>th</sup> at High School 9, attached to the Universidad Nacional Autónoma de México, where a young woman suffered alleged sexual harassment by a teacher.

According to media versions, the young woman

was harassed by physics professor who apparently, used to write improper comments on the back of several female students' exams.

Studies' Center Authorities have been reluctant to intervene, so the victim decided to submit complaint to the Attorney General by harassment offenses and sexual abuse, physical assault, attempted bribery.

The CNDH will follow up timely to events, shall exer-

cise its legal stand to ensure full respect and promote victims' human rights; will began investigations and, in its opportunity, shall issue a proceeding determination in accordance to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_127.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_127.pdf)

### RECOMMENDATION DUE TO TORTURE AND DEATH OF INMATE AT "ALTIPLANO" CENTER

**CGCP/128/13**

May 7<sup>th</sup>, 2013

The CNDH issued Recommendation 12/2013, addressed to Eruviel Avila Villegas, governor of the State of México, and to Manuel Mondragón y Kalb from the National Safety Commission of the Ministry of the Interior, in the case of torture and subsequent inmate's death at the Federal Social Rehabilitation Center number 1 "Altiplano", in Almoloya de Juárez, entity of México State.

Five weeks before his death, a victim's relative, filed two complaints before the CNDH stating that victim had been beaten by prison's custodians and also that members of the Interdisciplinary Technical Council imposed corrective measures. Doctor attached to this national organism, interviewed and assessed physically the victim, stating lesions traces' existence in various parts of his body, so requested to the Decentralized Administrative Organism for Prevention and Social Rehabilitation of then Secretariat of Public Safety, to take appropriate precautionary measures to ensure respect victim's rights, to integrity and personal

safety, avoiding cruel, inhuman or degrading treatment, and that will be provided with necessary medical attention.

However having precautionary measures handed down, within 30 days of such assessment, a public servant of the General Coordination of Federal Centers reported to the National Commission, by telephone, that prison staff found, "hung" to a window, victim's lifeless body.

From evidence's analysis, the CNDH noted six elements of the area of Safety and Custody of the Federal Center for Social Rehabilitation number 1 "Altiplano", violated victim's human rights, specifically to integrity and personal safety, as well as to decent treatment.

In addition, 10 members of Interdisciplinary Technical Council of aforementioned penitentiary, transgressed victim's rights, relating to life, integrity, legality, personal safety and legal certainty, as determined to impose disciplinary action to inmate, regardless version he provided in relation with facts attributed against him and that there was no sufficient evidence attesting inappropriate behavior.

Failed applying necessary preventive safety measures to safeguard the victim and thus, conditions led him to life loss.

Other public servants who violated rights to legality, legal certainty and law enforcement, to victim's family detriment, were the agent of the General Attorney and the experts in Criminology, Photography and Legal Medicine, all attached to the Attorney General's Office of the State of México.

The agent of the General Attorney's Office omitted to monitor the experts to conduct their duties properly, in order to determine victim's death causes; refrained from taking entrusted opinions, and to take photographic images in the technical-scientific terms to that effect.

Recommendation 12/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_128.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_128.pdf)





## CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

### CGCP/129/13

May 8<sup>th</sup>, 2013

For the National Human Rights Commission it is essential that Mexican State authorities foster inclusion and conditions to persons with disabilities. In response, and by carrying out its functions, the CNDH, promotes, protects and monitors human rights recognition for persons with disabilities and thus maintains a close coordination with institutions and civil society organizations.

On 2008 the Convention on the Rights of Persons with Disabilities came into effect, taking holistic approach to ensure they exercise their rights fully. This Convention became stronger with the constitutional reform, in human rights matters of June of 2011, which confers obligatory observance for Mexican authorities in all competition areas.

The CNDH is committed to disseminate human rights knowledge, enshrined by the Convention on the Rights

of Persons with Disabilities, as a legal tool to empower these people their families and their organizations, and to strengthen the conviction for them to demand full respect of their rights.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_129.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_129.pdf)

## CNDH CONSIDERS AUTHORITIES' POSSIBLE OMISSIONS REGARDING XALOSTOC'S ACCIDENT

### CGCP/130/13

May 9<sup>th</sup>, 2013

The CNDH began inquiry into civil protection measures and the situation in our country related with hazardous substances transport, in order to determine whether there were responsible authorities' omissions for monitoring compliance with the respective regulations, which led to events of Tuesday May 7<sup>th</sup>, at kilometer 14 of Mexico-Pachuca highway, where around 5:15 hours,

at San Pedro Xalostoc, municipality of Ecatepec, State of Mexico, a pipe carrying gas butane exploded; more than 20 people died and 36 were injured, some seriously.

In order to conduct facts investigation and alleged human rights violations that may result, this national Organism, deployed assistant inspectors and experts to the scene and the various points where survivors were transferred.

Also, information has been collected from fatal victims' fami-

lies in order to provide them with the support and accompaniment required. The CNDH began investigations and, in its opportunity, shall deliver its determination to proceed in accordance to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_130.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_130.pdf)

## CNDH BEGAN COMPLAINT FOR ALLEGED MISTREATMENT OF WOMEN HUMAN RIGHTS DEFENDERS

### CGCP/131/13

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

The CNDH began complaint for alleged human women's rights violations, occurred at Mexico City International Airport. Complaint was submitted by one of them during the deliberative Assembly of an International Seminar for the Defense and Women's Rights.

The victim reported that after traveling 26 hours from Goa, India, was detained at airport's

office, because an immigration officer felt that her physical appearance did not correspond to the nationality indicated by the name in her passport, suggesting an impersonation.

Where seminar was being carried out, the CNDH sent assistant inspectors of the Program for Victims of Crime to contact her and other women that stated being abused by personnel of the Federal Police and the National Institute of Migration at the air terminal, upon their arrival to Mexico.

The latter, to support them, raise testimony and respective integration of complaints.

The CNDH shall exercise its legal authority to ensure full respect for and promotion of human rights of the victims, will initiate investigations and, in due course, will issue determination according to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_131.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_131.pdf)

**INMATE BECAME BLIND OF ONE EYE DUE TO LATE MEDICAL CARE****CGCP/132/13**May 11<sup>th</sup>, 2013

The National Human Rights Commission issued Recommendation 13/2013, addressed to the government of the state of Sinaloa, the National Institute of Social Security (Spanish initials – IMSS) and the National Safety Commission of the Secretariat of the Interior. Due to inmate's case, who while working at the Penitentiary Complex "Islas Marias", a burr dropped in his right eye.

From research, this autonomous public Organism accredited human rights vio-

lations, specifically, to health protection attributable to seven public servants' negligent attitude from the Penitentiary Complex "Islas Marias", Rural Hospital No. 20 "Oportunidades" Islas Marias belonging to the National Institute of Social Security (Spanish initials – IMSS), and the General Hospital of Mazatlan "Dr. Martiniano Carvajal", due to inadequate and late attention provision; causing eye injury conditions being aggravated until loss of its complete function.

Therefore, the CNDH requested the governor of Sinaloa, his extensive

collaboration with submission of complaint before the Internal Control Body of the Secretariat of Health of the entity, in order to initiate and determine, according to law, investigation to establish the administrative liability for negligence in medical management provided to victim at the General Hospital of Mazatlan "Dr. Martiniano Carvajal" and the respect inform to the National Commission.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_132.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_132.pdf)

**COMPREHENSIVE STRATEGY TO ERADICATE HUMAN TRAFFICKING****CGCP/133/13**May 12<sup>th</sup>, 2013

Human trafficking is a crime undermining human dignity and violates victims' rights to freedom, integrity, security and the free development of personality.

Today, the world faces a human trafficking spreading with no precedents and it could be defined as the reissue of slavery. Data from the International Labour Organization (Spanish initials- OIT), indicates there are 20.9 million people victimized by of

exploitation; 14.2 million at labor field, 4.5 million sexually exploited and 2.2 million subject to forced labor imposed by the State.

In turn, the United States Department of State estimated that 27 million people are victims of human trafficking in the world. In Mexico, it is estimated that between 16 thousand and 20 thousand people are subjected to sexual slavery, according to estimates from INEGI, UNICEF and the National System for the Integral Family Development

(Spanish initials- DIF). This autonomous public Organism believes that in order to fight this crime, must implement a comprehensive strategy, and also must combat people's vulnerability, such as: poverty, marginalization, unemployment, lack of schooling, family disintegration, domestic violence, inequality, and the migrant status and ethnicity, among others.

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

**A NEW STAGE BEGINS IN PROTECTING AND DEFENDING HUMAN RIGHTS****CGCP/134/13**May 13<sup>th</sup>, 2013

Dr. Raul Plascencia Villanueva, president of the CNDH, opened the Seminar on Inter-American System of Human Rights, where he stated that is important to review challenges facing the Mexican Government, not only from the constitutional reform of 2011 but in the light of the treaties, international conventions and covenants signed by our country and linked with the human rights issue.

The importance of this,

he stressed, is that we can assimilate them fully in the Mexican legal system and above all, that become a full reality.

He mentioned that the Article 1 of our Constitution, amended in 2011, commits all Mexicans in the promotion, observance and defense of human rights and is very clear in the sense that in the interpretation of the laws is always conducive to the person.

At the opening ceremony, held at the National Center for Human Rights (Spanish initials-

CENADEH), the national Ombudsman expressed his gratitude for the attendance of Dr. Sergio García Ramírez, who opened the seminar with a keynote speech entitled "Mexico before the Inter-American System of Human Rights".

At initiating, he recognized that the CNDH has complied with prestige and courage the assignment of fit the defense of human rights at the center of the scene legal, social, moral and policy in our country.

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



## ACTIONS TO STRENGTHEN AND PROTECT THE FAMILY

### CGCP/135/13

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

The CNDH considers necessary to promote legislative measures and to establish public policies to strengthen and protect the family, with special emphasis on its members in greater risk of vulnerability, such as: girls, boys, women, seniors and people with disabilities.

Through the Program on Children's Affairs and Family, the CNDH disseminates human

rights knowledge from a gender perspective and encourages training campaigns to form a respect culture that makes possible their daily practice.

The National Commission believes that only shared responsibility between public servants and society, will make family, real respect source to eradicate cultural patterns that lead to violence, discrimination and exclusion.

Since 1993, May 15<sup>th</sup> was

proclaimed International Day of the Family, by the General Assembly of the United Nations, with the goal of inspiring a series of events to raise awareness and highlight the problems of families. It seeks to achieve a greater understanding of social, economic and demographic processes that affect this important foundation core of society.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_135.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_135.pdf)

## UNITE WILL TO ENSURE EDUCATION FOR MEXICAN CHILDHOOD

### CGCP/136/13

May 15<sup>th</sup>, 2013

For the CNDH childhood is a priority, because despite of having recognized rights, continues to be exposed to multiple risks that lead away from a quiet childhood and endangering their physical, mental and moral development, said Raul Plascencia Villanueva, at signing agreement ceremony between the National Council for the Education Development (Spanish initials- Conafe) and the Mexico Office of the United Nations Children's Fund (UNICEF).

While participating as witness of honor in this ceremony, said that the society future depends, mostly, on the ethical training of children. He acknowledged that it is essential that society, authorities and international organizations join efforts and capabilities to preserve personal integrity, security and the full exercise of the human rights of Mexican children.

The president of the National Commission also spoke about importance of the collaboration agreement "*For the development of citizenship since childhood*", through which more than 500 thousand girls

and boys up to four years, living in rural areas of high and very high marginalization will have tools, specially designed for the protection and exercise of their right to education, which may acquire knowledge, know what their rights are and how to enforce them.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_136.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_136.pdf)

## POLICE OFFICERS ATTACK PHYSICAL AND VERBALLY DEMONSTRATORS IN CHIAPAS

### CGCP/137/13

May 16<sup>th</sup>, 2013

The National Human Rights Commission issued Recommendation 11/2013, addressed to Manuel Velasco Coello, governor of the state of Chiapas, about cases of 24 people who while participating at public demonstrations, were arrested and subjected to mistreatment by the Preventive State Police, who at first case arrested 11 people, which were transferred to facilities of the Secretariat for Safety and Civil Protection and subsequently put at disposal to the agent of the Public Ministry of the Federation, seconded to the State del-

egation of the Office of the Mexican Attorney General's (Spanish initials-PGR).

In a second case, elements of the Preventive State Police, the Highway and Tourism Police, Border Patrol and Specialized Police of the state of Chiapas, arrested, same day, 13 people carrying out another public demonstration.

After conducting logical legal evidence's analysis of file, the CNDH established violations to right to assembly freedom and, consequently, rights to legality, the legal safety, personal freedom and to decent treatment, attributable to above-mentioned police forces elements.

Therefore, this independent government Organism, among other recommendations, requested the Government of Chiapas amend caused damage to the 24 persons injured, and extensive collaboration with the National Commission while complaint and grievance processing, that will promote before the Visitorship of the Public Prosecutor's Office of the State Attorney General's Office and the latter unit, respectively.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_137.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_137.pdf)

**RIGHT TO HEALTH OF PEOPLE LIVING WITH HIV/AIDS**

**CGCP/138/13**

*May 17<sup>th</sup>, 2013*

The National Human Rights Commission considers priority ensuring right to health of people living with HIV/AIDS, and provide timely and effective medical care.

The CNDH works closely with public institutions to disseminate among doctors, nurses and administrative staff of the public hospital centers, regulation on matter and human rights of those who have these health conditions in order to avoid being stigmatized and marginalized.

They also have right to confidentiality data on

their health to prevent any possible act of discrimination within family, work and social fields.

The National Commission, during 2012, organized through the Program of HIV/AIDS and Human Rights, workshops, courses, forums and conferences, where participated six thousand 52 attendees, among persons with that health condition, public servants, students, entrepreneurs and representatives of non-governmental organizations.

Also recognizes the significant progress that organized civil society, in collaboration with government Organizations and state agencies for the protection and defense of human

rights, have achieved for people living with HIV/AIDS.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_138.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_138.pdf)



**CNDH TRAINS PUBLIC SERVANTS**

**CGCP/139/13**

*May 18<sup>th</sup>, 2013*

The CNDH introduced new training strategies in field of migrants' human rights, to public servants of the National Migration Institute (Spanish initials-INM) throughout the country. The aim is to help to better fulfill task of which are responsible, together preventing violations to human rights of migrants in transit.

The CNDH permanently has insisted on the need to raise awareness on the issue to public servants

and in the last 14 months has provided training workshops in the field to more than four thousand 700 people.

The CNDH has established a cooperation mechanism with the INM, in which, through training, it provides information to migration agents that contributes to enrich their knowledge about human rights.

Training programs offered by the National Commission are part of the constitutional reform on human rights, which obliges all authorities, in scope

of competence, to promote, respect, protect and fulfill people's human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_139.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_139.pdf)





## OVERCROWDING AND INADEQUATE CONDITIONS AT CEFERESO 5

**CGCP/140/13**

*May 19<sup>th</sup>, 2013*

The CNDH issued Recommendation 14/2013, addressed to the National Safety Commission of the Ministry of Interior, by violation of human rights to decent treatment and social reintegration of inmates at the Federal Center for Social Rehabilitation (Spanish initials- CEFERESO) number 5 Oriente, in Villa de Aldama, Veracruz.

After investigating several inmates' complaints and their families, this autonomous public Organism staff confirmed existence of: overcrowding, lack of activities, permanence in cells without way out to the patio, poor quality and insufficient quantity of food and lack of medical care.

From conducted research, the CNDH noted rights violations to humane treatment and social reintegration, attributable to the Detached Administrative Organism of Prevention and Social Rehabilitation.

In addition, it is worthy mentioning that on May 24<sup>th</sup>, 2010 Recommendation 25/2010 was issued, by confirming human rights violations to prison population at cited Federal Center; pending to compliance and which is open. The State, is responsible about conditions in which inmates are staying that should ensure human rights respect and fulfill respect to their right to life, to humane treatment, safety and personal integrity as provided in Article 5.2 of the American Convention on Human Rights.

For this reason, the CNDH issued among other recommendations: to take required actions to abate overcrowding; make necessary budgetary and administrative adjustments, to allocate sufficient human, material and financial resources to allow penal operation properly; implement an ongoing training program for managers, technical, administrative and criminal custody, which promotes a respect culture for human rights that harmonizes with Center's safety.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_140.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_140.pdf)



## THE NATIONAL OMBUDSMAN DESIGNATES TOMAS SERRANO AS SIXTH GENERAL VISITOR

**CGCP/141/13**

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

The president of the National Human Rights Commission appointed Mr. Tomas Serrano Perez, Sixth General Visitor of this autonomous public Organism.

By giving this appointment, the national Ombudsman, recognized the professional expertise and track record of Serrano

Perez who has held various positions at the CNDH.

Tomas Serrano Perez is a graduate of the Law Faculty of the Universidad Nacional Autonoma de Mexico (UNAM) and has conducted several studies on human rights. Was General Director of Special Program on Presumed Missing, (Spanish initials-PREDES), and holder of the Directorate General for Serious Violations of Human Rights.

The Sixth General Visitor of the CNDH is responsible for the defense of labor human rights, economic, social, cultural and environmental.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_141.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_141.pdf)

**VICTIMS OF CRIME, PERMANENT CONCERN TO THE CNDH**

**CGCP/142/13**

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

The National Human Rights Commission expresses concern in order that crime victims and abuse of power, receive both adequate and decent care, and in accordance with the Constitution of the United Mexican States and relevant international instruments.

Official figures indicate that each year are committed nearly 19 million offenses (INEGI 2011),

which added to victims of human rights violations requires effective actions to safeguard their fundamental rights.

By its Crime Victims Assistance Program (Spanish initials- Provictimia), the CNDH assists tasks related to the promotion, protection and dissemination to respect for their rights.

Promotes regulatory framework's establishment searching for victims' rights protection, in order they receive a fair and dignified

treatment, and accessible to criminal justice system, health protection and social assistance.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_142.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_142.pdf)

**FUNDAMENTAL, HUMAN RIGHTS TRAINING**

**CGCP/143/13**

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

The President of the CNDH, assured that respect for human rights is society's welfare best indicator, and are therefore fundamental all training and promotion efforts undertaken in this area.

During General Collaboration Agreement's signing between the National Human Rights Commission and the Executive Branch of Quintana Roo, the national Ombudsman said it

is necessary to position human rights as national life structural pillars. Stated that this autonomous public Organism performs unprecedented efforts in human rights' teaching and dissemination; in 2012 carried out more than five thousand 600 activities with attendance of more than 730 thousand participants throughout the country, of which a good part were public servants.

Before the governor of the entity, Roberto Borge Angle, with whom he signed the Agreement, the nation-

al Ombudsman, recalled that within the constitutional reform of 2011 is reflected that person is in the center of all actions and decisions of the public authorities, and anyone who violates the human rights, will be violating the Constitution.

Afterwards, he participated at the Seminar on the Prevention of Crime and Human Rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_143.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_143.pdf)

**HUMAN RIGHTS ARE NO OBSTACLE FOR GOOD INSTITUTIONAL PERFORMANCE**

**CGCP/144/13**

*May 23<sup>rd</sup>, 2013*

The national Ombudsman, Raul Plascencia Villanueva, ensured that the public commissions for the promotion and defense of human rights, are not enemies of public servants or of the institutions, and that human rights are not an obstacle to good institutional performance.

During his participation in the Seminar on the Prevention of Crime and

Human Rights, held in Cancun, Quintana Roo, Plascencia Villanueva noted that human rights are the best guide for every public servant's functions performance, because they set limits that have for this.

He added, public servants are doubly committed, and those who preside over institutions responsible for promoting, observe or defend human rights have an even greater commitment.

The President of the CNDH extended an invitation to attendees to work together, in order to promote change towards the country that all we Mexicans yearn, with exemplary public servants and public institutions and widely recognized that human rights mean a reality to all.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_144.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_144.pdf)



## FEDERAL POLICE CAUSE CUSTODY WITHOUT AUTHORITIES' AUTHORIZATION AND TORTURE TO A CITIZEN

**CGCP/145/13**

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

The CNDH issued Recommendation 18/2013 addressed to the (Under Secretariat of Planning and Institutional Protection) National Safety Commissioner, Manuel Mondragon y Kalb, due to the case for arbitrary detention, illegal, incommunicado and torture suffered by citizen from Federal Police elements at San Luis Potosi capital city.

Victim's mother, by filing a complaint before the National Human Rights Commission, noted that according to her son's statements, once arrested they covered his face and remained so for two days, locked in a room where policemen

beat him continuously in order for him to recognize his guilt for several crimes; that they only uncovered his face for swallowing water from a bottle that had to share with eight more people. In order to put on pressure, they tortured him by bending his middle finger with tweezers; additionally, police officers threatened him by assaulting his family, if he didn't stated that he was detained because he was carrying what he was told; drugs, a vehicle, a radio and money.

Forty-eight hours later, he was taken to the then Deputy Attorney General's Office for Special Investigation into Organized Crime, where he had to be treated by a doctor because of his injuries.

At investigation's conclusion, the CNDH noted human rights violations to legality, legal certainty, fair treatment, freedom, personal integrity and victim's personal safety. So in Recommendation 18/2013 requests the National Safety Commissioner, to take necessary measures to repair damage caused to the victim and provide him with psychological and psychiatric care, among other aspects.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_145\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_145_1.pdf)

## CNDH INVESTIGATES CASE OF TEAM MEMBER OF TABASCO'S FORMER SECRETARY OF FINANCE

**CGCP/146/13**

May 26<sup>th</sup>, 2013

The National Human Rights Commission, started an investigation into alleged violations to team member's human rights of the Secretary of Finance of Tabasco, Mexico, during previous administration, who, in his written complaint states that few days ago was deprived from liberty and subjected to physical and psychological violence in order to disclose her boss' whereabouts and location of some boxes that according to her captors contained money.

Victim's stated that she was forced to sign a statement acknowledging that cited money was owned by the referred

former public servant and that she had kept it since few months ago.

In response, it began the respective research record, and a brigade of inspectors composed by forensic physicians, psychologists and lawyers were transferred to victim's location in order to check her state of health and take necessary steps and actions for proper case integration.

At the time, this national Organism will issue its the determination in accordance to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_146.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_146.pdf)

## THE NATIONAL OMBUDSMAN PARTICIPATED IN THE 26<sup>th</sup> ASSEMBLY OF THE CIC

**CGCP/147/13**

*May 27<sup>th</sup>, 2013*

The national Ombudsman participated in the Twenty-sixth Session of the International Coordination Committee of National Institutions for Human Rights Promotion and Protection (Spanish initials – CIC), held in Geneva, Switzerland.

In his capacity as Chairman of the Finance Committee of the CIC and in presence of representatives of more than 70 National Human Rights Institutions (Spanish initials- INDH), gathered in General Assembly, Raul Plascencia Villanueva presented to the Bureau of the organization, a report on the work developed in the period from October 2012 to April 2013. In addition, He is also responsible for, among other tasks, to control and administrate the finances of the CIC; the budget's study and proposal of approval; the examination

of the controls and procedures used. Also, he is responsible for proposing improvements to the members of the Committee chair, and submit a written report to the General Assembly.

During the meeting, the Mexican ombudsman also chaired the Roundtable on the topic "Situation of Human Rights Defenders", with the participation of Margaret Sekagya, United Nations Special Rapporteur on the situation of Human Rights Defenders and with holders of National Human Rights Institutions in Europe, Africa and Asia.

Raul Plascencia also participated in the regional meeting for the Network of INDH in the Americas, which was agreed to hold the next General Assembly in Mexico, in the fall of 2013, which will contribute to strengthening the National Human Rights Institutions of our continent.

In the General Assembly participated Navi Pillay, United Nations High Commissioner of Human Rights; Remigiusz Bierzanek Achilles, President of the UN Human Rights Council; Mousa Burayzat, President of the CIC, and Geraldine Fraser-Moleketi, Director of Democratic Governance of the United Nations Development Program (Spanish initials- PNUD).

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_147\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_147_1.pdf)



## THE CNDH ASSISTS MEMBER'S CASE OF THE PEASANT ORGANIZATION "EMILIANO ZAPATA-CASA DEL PUEBLO"

**CGCP/148/13**

*May 27<sup>th</sup>, 2013*

Members of the peasant organization "Emiliano Zapata-Casa del Pueblo", sought intervention of the National Human Rights Commission, to request, among other things, the release of eight of their comrades who were arrested on May 23<sup>rd</sup> in progress, as probable responsible for crimes committed on the 5th of same month and year in Venustiano Carranza, Chiapas, where two adherents to that

organization were killed, and caused damage in more than 20 houses in the town.

The CNDH has begun an investigation into the matter, and has maintained communication with authorities for care of matter. A dialog with protesters was established to meet their demands, who during the early hours of this date returned to Venustiano Carranza, Chiapas.

Also, the CNDH will follow up the case, however, considers necessary that authorities concerned to exer-

cise due diligence at care of demands made by the interested organization and, above all, we must guarantee the human rights to legal security and personal integrity, of those whose detention are reasons for their claims.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_148.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_148.pdf)



**INTEGRAL VIEW WITHIN DESIGN OF A NATIONAL HUMAN RIGHTS PROGRAM**

**CGCP/149/13**

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

The President of the National Human Rights Commission stated that in the design of a National Human Rights Program, it is necessary to adopt a holistic view that takes into account its impact on government programs and all public life areas.

The National Ombudsman, while participating at the Ordinary Session of the Commis-

sion on Government Policy on Human Rights Matters, recalled that last April, the CNDH brought into consideration to the Government of the Republic, the National Human Rights Agenda 2013.

Before public servants headed by the Secretary of the Interior, Miguel Angel Osorio Chong, Dr. Plascencia Vjlanueva stressed the need of all public servants to fulfill their commitment to safeguard the society's interests with respect of human rights,

for anyone who infringes them, will be violating the Constitution. And endorsed the CNDH commitment to join all public policies, and actions for Mexico's benefit, particularly, moving from a policy of government to a State policy on human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_149.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_149.pdf)

**IT IS NECESSARY TO GUARANTEE THE RIGHT TO ACCESS TO WATER**

**CGCP/150/13**

May 28<sup>th</sup>, 2013

The CNDH considers necessary to promote public policies that guarantee the right of access to water in an adequate, safe, acceptable and affordable way, as the enjoyment of this right is linked to others such as life, health, welfare, recreation and development.

The United Nations Development Program (Spanish initials -PUND), has noted that while Mexico could achieve and even exceed the millennium goals in regard to water supply coverage and sanitation services,

quality and access to such services show strong contrasts, which derive from inequity and socio-economic inequalities, ethnic and gender of the population. On February 8<sup>th</sup>, 2012, were recognized at article 4° of the Political Constitution of the United Mexican States, the right of "any person to access, provision of water and sanitation for personal and domestic consumption in sufficient, safe, acceptable and affordable way" and the Mexican State's obligation to ensure their exercise.

For the CNDH, an adequate safe water supply is a priority, in order to meet the entire

population consumption needs, to avoid disease risk and to contribute to fulfill the Millennium Goals; to combat poverty, gender equity and decreased child mortality.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_150.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_150.pdf)

**CNDH WORKS TO PREVENT FAMILY VIOLENCE**

**CGCP/151/13**

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

The CNDH is concerned about violence situation against women, domestic violence and sexual violence, which constitute a public health problem that seriously affects women's human rights and their rights as victims. Violence often leads to problems of physical and emotional health in both short and long terms, including, according to World Health Organization data, the most frequent are: post-traumatic stress disorders, insomnia, nutritional disorders, emotional distress, and low self-esteem, which can lead to

suicide attempts and increased consumption of tobacco, alcohol or drugs.

This represents a high economic and social cost, since it causes isolation, low productivity and inability of women to work and take care of themselves and of their descendants; as well as a social life distorted by resentment or incorrect stereotypes.

The CNDH, committed to the Human Rights of the Mexican society, organizes, through the Affairs Program for Women and Equality between Women and Men (Spanish initials-PAMIMH), seminars in order to create awareness

about issues that encloses violence against women, and join efforts to establish detection procedures, prevention, medical care and guidance provided to victims in accordance with Official Mexican Standard NOM-046-SSA2-2005 family violence, sexual and against women.



[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_151.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_151.pdf)

**ACCOUNTABILITY, BASIC ELEMENT FOR THE NATIONAL DEVELOPMENT**

**CGCP/152/13**

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

The President of the National Human Rights Commission assured that timely exercise of accountability is a key element for the political development of our country.

By participating at the ceremony in which Lorenzo Lopez Mendez, President of the State Board of Human Rights (Spanish initials - CEDH) in Chiapas, presented his Activities Report 2012, the national Ombudsman emphasized that "the duty to report"

Of public servants, is not only an act of transparency; it is also, he said, a citizen's right that should be accomplished, respected and guaranteed".

Before members of the Congress of Chiapas, Raul Plascencia Villanueva, precised that transparency of Public Organisms for the Defense of Human Rights strengthens public confidence in these institutions, and convened to preserve it as a permanent challenge facing society.

Finally, he emphasized on prevention as one of the most effective antidotes to

prevent violation of human rights and we must strengthen education and training strategies.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_152.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_152.pdf)



**TO PROTECT INDIGENOUS PEOPLE HUMAN RIGHTS**

**CGCP/153/13**

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

For the CNDH, our country's indigenous people is still in a high vulnerability situation, more than 15.5 million people suffer from discrimination and rejection due to their origins, color, creed, cultural manifestation, language and dressing way.

In order to abate any cultural exclusion manifestation, this public autonomous Organism considers that Mexican State authorities should strengthen social programs aimed at improving indigenous communities' living conditions.

Marginalization and inequality prevent social, economic and political development of indigenous people, besides constituting human rights violations.

Therefore, it is necessary to promote design and implement public policies that guarantee their rights' respect and protection as priority ways to reach inclusion and full development.

The National Commission, through the Program of Promotion and Dissemination of Indigenous Peoples Human Rights, in 2012 visited 206 communities and carried out 358 activities of promotion, outreach and education for the

benefit of 18 thousand 178 people.

The CNDH reiterates its commitment to the indigenous people for their full enjoyment of their human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_153.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_153.pdf)



## RECOMMENDATIONS

### RECOMMENDATION 18/2013

**MATTER:** Arbitrary detention, custody without authorities' authorization, isolation, detention and torture to V1's detriment

**RESPONSIBLE AUTHORITY:** Commissioner of National Security

*May 17<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/5/2011/5395/Q, due that in accordance with Q1 statements, on April 5<sup>th</sup>, 2011 morning, at Españita boulevard, close to Las Dalias Avenue, in San Luis Potosi, his son V1 was arrested by Federal Police elements; explained that on the 17<sup>th</sup> of same month and year, already at disposal of the Deputy Attorney General's Office for Special Investigation into Organized Crime (Spanish initials- SIEDO), now Deputy Attorney General's Office Specialized in Investigation into Organized Crime (SEIDO), allowed to see him, realizing

that he was beaten; with purple between eyes, in addition his middle finger, without remembering what hand, presented scabs, so asked his son what had happened, he commented that Federal Police elements had beaten him.

He was taken to a room where his eyes were covered for two days and only uncovered him to swallowed water from a bottle that had to share with other eight people; that in that place continuously was beaten by policemen; also has to admit that by his detention he brought with him all supposedly found; this is, weapons, drugs, a vehicle, a radio and money.

Q1 added that his son V1 told him that with tweezers they bended his middle finger, while threatening him by; that if he didn't state what they had told him they will turn against his family; after two days he was taken to the then SIEDO,

where a doctor assisted him and even had to be medicated due to injuries he sustained.

Thus, because of the allegations, on June 14<sup>th</sup>, 2011, aforementioned complaint file began. From legal evidence's analysis of the record, the National Commission warned behaviors that constitute human rights violations to legality, legal certainty, decent treatment, freedom and integrity and personal safety, to V1's detriment, by acts consistent in arbitrary detention, custody without authorities' authorization, detention and torture, attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8 and AR9, Federal Police elements.

On these bases Recommendation 18/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_018.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_018.pdf)

### RECOMMENDATION 19/2013

**MATTER:** Illegal V1's home search, at Tijuana, Baja California

**RESPONSIBLE AUTHORITY:** Secretary of the National Defense

*May 24<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2013/283/Q, due that on January 10<sup>th</sup>, 2013, this autonomous public Organism received written complaint from V1, journalist and human rights defender, who stated that on December 5th 2012, at 19:30 hrs approximately, elements from the Secretariat of the National Defense, arbitrarily entered her home located at Tijuana, Baja California, while she was in Mexico City.

V1 was informed about facts until December 6<sup>th</sup>, 2012, when

she called her neighbor T1, to whom she asked to look after her home in her absence, and who also noted that when she questioned military personnel about their proceed, replied, they had acted due on an anonymous complaint indicating that address as a drug market.

In order to integrate properly opened file, this organism's personnel human rights protector, carried out several field tasks in order to gather information and other related documentary to the investigation.

Also, information was requested to the Secretariat of National Defense.

Now, from legal evidence's analysis from aforementioned file were found human rights transgressions to legality and legal certainty, to V1's det-

ainment, by elements of 28/o Infantry Battalion assigned to the 2/a. Military Zone of the Secretariat of the National Defense, located at Aguaje de la Tuna, Baja California, by contrary acts to home inviolability.

On these bases Recommendation 19/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_019.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_019.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 20/2013

**MATTER:** Case of V1, V2 y V3, victim and crime offended in the state of Morelos

**RESPONSIBLE AUTHORITY:**

Constitutional Governor of the State of Morelos

*May 29<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2013/379/Q, due that on December 12<sup>th</sup>, 2012, V1, girl aged 17, was murdered at her home located at the municipality of Temixco in the state of Morelos, apparently by a young man, with whom from about two years earlier had begun a romantic relationship; thus that same day, her parents V2 and V3 filed complaint before the Attorney General's Office of that entity, where Research File 1 was opened.

Now, on January 16<sup>th</sup>, 2013, by several media reports, this National Commission learned about claims expressed by V2 and V3 to the public, in a sense that their rights were violated once again now by public servants of the Attorney General's Office of the State of Morelos, by authority's omission within facts research committed against the aggrieved V1, and to comply with the arrest warrant issued within Criminal Case no. 1.

Accordingly, on January 23<sup>rd</sup>, 2013, the CNDH, exerted its power to attract the record 405/2012/1, initiated by the Human Rights Commission of the State of Morelos, situation that gave rise to the aforementioned complaint file, and therefore, reports will be requested to the Attorney General's Office of that federative entity, to the Attorney General's Office of Guadalajara, and to Federal Attorney General's Office, for its appropriate integration.

It Should be noted that up to this

Recommendation's drafting date, there is no record about that any proceedings against public servants responsible for the Research Folder No. 1.

Now, from the aforementioned file legal evidence's analysis, were observed rights' violations to dignity treatment, legality and legal certainty in detriment to V1,V2,V3, as victims and offended derived to public servants of the Attorney General's Office of the state of Morelos.

On these bases Recommendation 20/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_020.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_020.pdf)



## RECOMMENDATION 21/2013

**MATTER:** Torture and victims' custody without authorities authorization, to V1's detriment, in the city of San Luis Potosí, San Luis Potosí

**RESPONSIBLE AUTHORITIES:** Commissioner of the National Security, Constitutional Governor of the state of San Luis Potosí

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

The National Human Rights Commission began complaint file CNDH/1/2011/4778/Q, on April 14<sup>th</sup>, 2011, at 22:00hrs approximately V1, woman aged 30, was detained by various Federal Police elements attached to the then Federal Secretary of Public Security (Spanish initials – SSP Federal), among them were AR1 and AR2, arguing that the vehicle she was driven was reported as stolen; Now, according to victim's statements, before being at ministerial authority's disposal was victim of torture both physical and psychological, in addition was raped.

Subsequently, on April 15<sup>th</sup>, 2011, at 16:30 hrs., V1 was put at disposal to the Agent of the Attorney General's Office of Justice of the State of San Luis Potosi (Spanish initials-PGJSLP), who initiated the Preliminary Enquiry No. 1, by crimes of employment disloyalty, post or commission or public service damage; whenever V1 reported having been raped victim, the cited public servant instructed to practice relevant studies, situation ignored by AR3, AR4, AR5 and AR6, agents of the Public Ministry attached to the cited Attorney General's Office, that knew about research integration.

On April 17<sup>th</sup>, 2011, AR6, agent of common jurisdiction's Public Ministry attached to PGJSLP Detainee Table 1, determined exert criminal charges against victim by the crimes of employment disloyalty, post or commission or public service damage and qualified theft, remanding inquiry under Criminal Case No. 1, before the Seventh Court of the Criminal Branch located at that federative entity; by virtue of this, V1 entered to the State Detention Center No. 1 "La Pila".

On April 23<sup>rd</sup>, 2011, trail judge issued arrest warrant against V1 by qualified theft crime, as well as auto released by lack of elements to process disloyalty of employment, post or commission or damage to public service crime: subsequently, was learned that on June 6<sup>th</sup>, 2012, victim was released.

It is worth mentioning, by detriments caused to V1 by AR1, AR2, AR3, AR4, AR5 and AR6 Federal Police and Public Ministry elements attached to the Attorney General's Office of San Luis Potosí, up to this Recommendation's drafting date, there is no record that had been started any preliminary investigation or any proceedings.

Now, from the aforementioned file legal evidence's analysis, this National Organism accredited rights' violations legality, personal safety, as well as innocence presumption, to detriment of V1 attributable to public servants of the Federal Police then attached to the Federal Secretary of Public Security, and to personnel from the Attorney General's Office of Justice of the state of San Luis Potosi.

On these bases Recommendation 21/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_021.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_021.pdf)

**Human Rights in the  
XXI century: continuity  
and change**



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This book provides a magnificent discussion of contemporary developments in human dignity protection.

This collective work provides the keys to understanding the main issues and challenges facing the safeguarding of human rights in the twenty-first century from legal and political perspective. Topics discussed historical and

philosophical foundations of human rights, the different systems of human rights protection and certain human rights interactions with political and social fields.

What are the philosophical and legal basis of the birth and evolution of human rights? What role does the UN in its international protection? Or how globalization affects social progress, are some of the issues developed in this work.

<http://www.huygens.es/esp/libro/los-derechos-humanos-en-el-siglo-21#>

## ARTICLE OF THE MONTH

### Human Rights: the great hope or great disappointment

by: Gustavo de la Rosa

Since 500 B.C., one of the most important works of world literature, Sophocles' Antigone, the human rights' fundamental controversy raises. Do human beings have a set of rights by mere fact of being human or only rights that human beings have are those granted by the state?

This is Antigone in practical terms great dilemma, under the following question: Is the right of the king to prevent the holding of the funeral of Polyneices by royal decree, or the right of families to pay homage to their dead part men's nature?

The voice of the State in the mouth of Creonte says clearly: "I wouldn't be the king if my orders are not fulfilled", read, it is not the State if the laws (whatever) are not met. These two views of the relationship between power and citizens have been maintained over the following 2500 years and the controversy continues.

In April 2011, after great pressure from international level and the brave (as defined by Obama at last visit in Mexico) bunch of human rights defenders in the country, forced the Mexican state to completely change the fundamental principle of interpretation of law in Mexico and obligations to be followed in day to day for all public servants and officials.

This new paradigm core, lies in 57 words then transcribe: "All authorities within the scope of its powers, have the obligation to promote, respect, protect and fulfill human rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness. Consequently,

the State must prevent, investigate, punish and redress human rights violations in the terms established by law".

Before this reform all authorities were obliged to obey, to act exclusively in law fundamentals, since Articles 14 and 16 of the Constitution by interpreting "*a contrario sensu*" state authorities should and can emit injurious acts of deprivation of liberty, property of citizens as long as conform their actions to the law, be warned that "it is to the law not to the Constitution" or justice.

In such a way that all the authorities interpret and act according to the letter of the law. So if a law is unconstitutional, or unjust doesn't represents consciousness burden nor risk of losing the job.

Many disgraces, many injustices were committed in the name of sacred law. This is the preferred language of bureaucrats, It is the favorite language of the lack of human sensitivity of the public servants because they enjoy a small piece of government power. For the bureaucracy there can not be more happiness to act, destroy, expropriate, without facing any risk and just enjoy the sweet fruits of its action. Bureaucracy is impunity, abuse in order inhumanity bureaucracy.

This bureaucracy is not new: it was built after the defeat of the Aztecs defending Tenochtitlan in 1521. There used to be another bureaucracy, but the one we suffer was born after the great Tenochtitlan fell. It is a tradition with an old culture, deep to deepest core of our historical memory.

I am talking about valid behavior of the bureaucracy, it is quite another thing when those in power hinder by a law, decide to put it aside and simply apply force to subdue the antagonistic violating its own law almost always against a citizen,

and most the time a vulnerable citizen. Machiavelli is very wise to say that a person must govern with the tool unless the law is being impossible, then you have to make use of force but only exceptionally.

In such a way, since we have had a tradition of government action, first exploring the implementation of a law that conceals them, whether if law doesn't exist then the resource it is force use and power imposition over the citizen. So in this way Mexico has been developed, and so, country's big issues have been decided, is the culture of public administration, the relationship between power and the citizen.

In Mexico there are no citizens, there is a relationship between the powerful and the voters, who are voters for only 10 seconds every three to six years according to the corresponding territory where they live. Under these conditions the 57 words of the Constitution are a hope, that may become in one more disappointment for this always subdued Mexican people.

Let's review public servants' obligations: "Promoting Human Rights": When we have seen them doing it? With few exceptions they do the opposite; "To respect" still they hold that protects criminals, "Protect": if they do not respect them, won't ever face citizens problems, "Ensure": this action for public servants is a dream. However, it is written in the Constitution, now its citizens' opportunity to enforce it.

<http://www.sinembargo.mx/opinion/21-05-2013/14390>



## **Newsletter**

**The CNDH  
Defends and Protects your Rights**

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