



Comisión Nacional de los
Derechos Humanos
MEXICO

Newsletter

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SEPTEMBER, 2013

The voice of the President

Remarks by Doctor Raul Plascencia Villanueva, President of the National Human Rights Commission, during the Human Trafficking workshop, priority in defense of people by the CNDH and FUNCIVA

Madrid, Spain
September 24th, 2013

Mr. Jose Maria Roman Portas, General Director of Foundation on Citizenship and Values ; Ambassador Francisco Ramirez Acuña, Ambassador of Mexico in Spain.

Ladies and Gentlemen

I am very pleased to be here at this workshop "Human Trafficking, priority on people's rights Defense", jointly coordinated by the Spanish Foundation on Citizenship and Values and the National Human Rights Commission. As you know few challenges

represent increasing migratory flows, and prevailing situations at various planet's areas.

Vulnerability to which they are exposed also makes migrants often become victims of criminals engaged in human trafficking, accentuating the risks to women and children.

Human Trafficking is considered the third worldwide most lucrative illegal business , with an income -In accordance to the Organization for Economic Cooperation and Development- , below drugs trafficking and weapons. In Mexico and worldwide thousands of people are misled, sold and subdued to slavery-like to diverse sorts of sexual and labour exploitation, also for removal of human organs and tissues.

This crime should alarm all, because it brutally infringes against human dignity and causes severe damages to victims at their normal and

free personality development.

Therefore, the National Commission established before entry into force of the first law on the matter in the country, the Program against Human Trafficking which in 2007, and now 2012, shows to Mexican society, through broad prevention campaigns showing operation methods of those involved in this crime, and particularly focusing to tourism and transport sector members and with students, teachers and parents from various educational levels.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/PalabrasRPV/20130924.pdf>

Event of the month

Madrid, Spain

Taking part at the workshop "Human Trafficking, priority at People's Defense", organized by the CNDH and the Spanish Foundation on Citizenship and Values (Spanish acronym-Funciva)



<http://www.funciva.org/actividades/actividad/actividad/239#album>

12 THOUSAND PEOPLE TRAINED ON MIGRANTS' RIGHTS

CGCP/250/13

September 1st, 2013

The CNDH since its establishment 23 years ago, protects human rights of migrants, and has redoubled efforts to train and promote decent treatment, to eradicate xenophobic attitudes, racist, and other discriminatory attitudes.

From November 2009 to date, there have been given 309 trainings on this

matter, an average of eight per week; 241 were addressed mainly to public servants; being able to sensitize 12 thousand 462 people's awareness, from which, 8 thousand 690 are public servants.

Likewise, this drives actions to eradicate Human trafficking phenomenon, associated with migrants conditions and becomes direct aggression to human being freedom and dignity. This national Organism will continue its labor for pro-

tection, promotion and dissemination of migrants human rights; reaffirms education importance on the matter in order to generate legality culture and respect to dignity of all persons.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_250.pdf

MEXICO CITY GOVERNMENT AGREED TO TAKE PRECAUTIONARY MEASURES REQUESTED BY THE CNDH

CGCP/251/13

September 1st, 2013

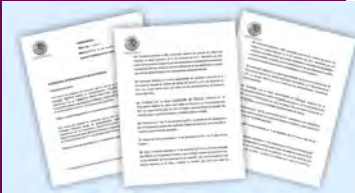
The Mexico City Government accepted request of the National Human Rights Commission to take precautionary measures to the protection and safety of its population, public institutions and roads, in the occasion of the occurred facts on August 19,20,21,22 and 23, in which damages were made to

various public and private facilities, as well as grievances to citizenship in general.

The City Government head, besides accepting last August 27 CNDH's request to adopt those measures after citizenship claims and complaints, said it had trained Government Secretaries and of Public Safety, respectively, to give necessary attention to cited measures and coordinate with appropriate federal

authorities in order for its compliance and report about what is required to the Second General Visitation of the CNDH.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_251.pdf



THE CNDH SIGNED COLLABORATION AGREEMENT WITH YAD VASHEM ASSOCIATION OF MEXICO

CGCP/252/13

September 2nd, 2013

The National Human Rights Commission and the Yad Vashem Association of Mexico, signed a Collaboration Agreement to join efforts to undertake training activities, education, promotion and protection on human rights matter. Before the president of the Association, Eva Lijtszain Chernizky, with whom agreement was signed, the

national Ombudsman highlighted this organization's mission importance dedicated to disseminate among contemporary and future generations about facts concerning the Holocaust, which has so far the biggest problem that humanity would know.

focusing, specially on minorities enjoying their liberties, among them to freely profess their faith and cultural identity.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_252.pdf



Dr. Lijtszain Chernizky, agreed with Dr. Plascencia Villanueva that both institutions' joint efforts will ensure rights of individuals,

THE CNDH BEGAN EX-OFFICIO COMPLAINT BY INMATE'S DEATH

CGCP/253/13

September 3^d, 2013

The CNDH began ex-officio complaint to investigate alleged human rights violations, on inmate's death at the Federal Center of Social Rehabilitation 9 "Norte", in Ciudad Juárez, Chihuahua.

According local media data, the state General Attorney's Office, that the intern aged 35, died in the Hospital General,

on last August 27th night, due to various strikes and punches—he received all over his body.

The CNDH sent assistant visitors and will request to responsible penitentiary authorities, to specify death cause, in order to monitor investigation.

Once investigation is undertaken and after evidences' analysis and evaluation, this national Organism will issue appropriate determination

pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_253.pdf



PERSONNEL OF THE CNDH AND SENATORS VISITED PENITENTIARY AND WOMEN'S DETENTION CENTER

CGCP/254/13

September 4th, 2013

In order to know and observe the detainees treatment conditions, stay and internment, a group of senators of the Republic and CNDH's public servants, carried out a visit to the Penitentiary and Santa Martha Acatitla Women's Detention Centre in Mexico City.

This was the first of several visits conducted by both organisms to various federal penitentiaries (Spanish acronym- Ceferesos) and state centers (Spanish

acronym- Ceresos), of the country.

Santa Martha Acatitla penitentiaries' visits were carried out under the National Assessment of Penitentiary Supervision annually conducted by the CNDH, with results meant to legislators to define its position as a specific entitlement of the National Commission, to amend Law's Article 6 XII Fraction which regulate it, published at the Official Journal last June 10th, 2013.

The CNDH expressed its willingness to contribute to public

institutions improvement, in order to promote, within its mandate, respect, dissemination and observance of human rights, according to aspiration at the Constitution of the Republic.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_254.pdf



CNDH REQUESTS UNCONSTITUTIONALITY PROCEEDING DUE TO ADDENDUM TO PENAL CODE IN HIDALGO

CGCP/255/13

September 5th, 2013

The CNDH filed last Tuesday September 3rd before the Supreme Court of Justice of the Nation, lawsuit for unconstitutionality proceeding, since considering addenda to the Code of Penal Procedures for the State of Hidalgo, published at Official Journal of the entity, last August 5th, violates the Constitution and are unconstitutional.

It impugned Article 132 of cited Code, at considering that it is unconventional because it allows the practice of arraigo (type of informal detention), violating Articles 7 and 8 of the American Convention on Human Rights and the 9 of the International Covenant on Civil and Political Rights.

It also violates Articles 3, 9 and 13 of the Universal Declaration of Human Rights, which guard personal freedom rights and prior hearing; as well as pro person principles, legal certainty, legality, presumption of

innocence, arbitrary detention prohibition and due process.

The CNDH believes that legal provision authorizing the arraigo (type of informal detention) as limitative measure for personal freedom and transit of person, resulting into aforementioned rights violations.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_255.pdf



ONGOING INVESTIGATIONS ON MIGRANTS' HUMAN RIGHTS VIOLATIONS AT A FIRE

CGCP/256/13

September 6th, 2013

The CNDH began investigation into fire caused at the migration station of the National Immigration Institute (Spanish acronym – INM) in Villahermosa, Tabasco, event provoked 70 intoxicated migrants sheltered there.

Assistant visitors and doctors experts verified mi-

grants' prevailing conditions at migratory stations of Tenosique, Tabasco and Acayucan, Veracruz, where CNDH personnel provided assistance and orientation on their migration situation.

This national Organism stressed on migrants' safety and integrity that must be ensured, with self-sufficient migratory situation.

It considers necessary to

work with due diligence at investigation and facts' data procedures, but above all, in the precautionary measures to protect migrants crossing our country and that are sheltered at INM facilities.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_256.pdf

CNDH ISSUED RECOMMENDATION DUE TO MEDICAL NEGLIGENCE

CGCP/257/13

September 7th, 2013

The National Human Rights Commission issued Recommendation 29/2013, addressed to the Governor of Guerrero, also to the Hospital's Board of Directors head of the Hospital de la Madre y el Niño Guerrerense, Angel Heladio Aguirre Rivero; because of a case of a woman while performing her a cesare, a spinal cord injury with neurological impairment was provoked by inadequate

anesthetic procedure, given by hospital's medical personnel.

After case analysis, the CNDH confirms violations to health protection right, derived from medical negligence by applying anesthesia "a little above" of conventional, infringement fact was determined 21 days after by Instituto Nacional de Neurología.

At Recommendation 29/2013, the CNDH settles content and requires compliance of Recommendation

102/2011, issued by its counterpart of Guerrero; that requires design and give integral training courses on human rights matter, furthermore the knowledge, managing and observance of the Official Mexican Regulation on health, among other recommendations.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_257.pdf

RECOMMENDATION DUE TO RIGHTS INFRINGEMENT OF TWO MIGRANT CHILDREN

CGCP/258/13

September 8th, 2013

The CNDH issued Recommendation 31/2013, addressed to the Mexican Commission for the Help of Refugees (Spanish acronym – CGCMAR), by care omission to two underage from el Salvador who ran away from a shelter in Mexico City unknowing their whereabouts.

On August 6th 2012, through the CNDH telephone network a Salvadoran underage voice message was received, requesting presence of the National Commission personnel; no-

ting that she and her brother were in bad conditions at those migratory facilities. After various demarches before the COMAR and before components of possible acts or oversights of public servants, that because of its nature are considered human rights transgressions, the CNDH determined to lodge ex-officio complaint.

At inquiry closing, the CNDH observed human rights violations to legal certainty and to decent treatment, to the Salvadoran underage, consisting on wrongful public service delivery and lack of pro-

tection provision to the ones who need it.

Thus, at its Recommendation 31/2013, the CNDH requires to COMAR's head, to collaborate within carried out investigations from the denounce that Shelter's personnel issue before the Mexico City Attorney General's Office, regarding underage absence, among other recommendations.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_258.pdf

CNDH AND FIO JOIN EFFORTS FOR A BETTER DISSEMINATION AND DEFENSE OF HUMAN RIGHTS

CGCP/259/13

September 10th, 2013

The president of the CNDH held a working meeting with the Ibero-American Federation of Ombudsmen communicators' network (Spanish acronym - FIO), wherein was agreed that the National Commission will strongly support the mission of being liaison to citizenship to disseminate and promote human dignity in media.

On last September 9th and 10th, the CNDH was site of the II Session of Network Coordina-

tors, where, the Mexican Ombudsman highlighted the importance of using the modern communication and dissemination platform of the CNDH to strengthen FIO's work, which should be shared not only to specific audiences but to regional and worldwide community.

Attended by Ombudsman's offices representatives and Human Rights Commissions from Costa Rica, Puerto Rico, Paraguay, Argentina, Peru, Mexico, thereof integrating Network's Board of Directors (Spanish

acronym- ComFIO).

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_259_c.pdf



WORLDWIDE SUICIDE PREVENTION DAY

CGCP/260/13

September 10th, 2013

The Mexican State can and must generate public policies on preventive matter, carefully guarantying each and every human right of people in order to strengthen public institutions and to drive development of the country.

At the Worldwide Suicide Prevention Day, CNDH commitment, at the second decade of XXI Century, is to achieve institutional activities for authority to reinforce human rights issue,

in order to broadening and consolidating its presence.

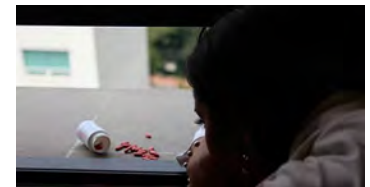
According to the World Health Organization, an average of three thousand people commit suicide per day, every 30 seconds, a person that kills himself/herself affecting his/her family and social environment.

From each person committing suicide 20 more try it.

During the last 50 years, figures increased 60 percent of which adults and people over 60 years or more attempt it, meanwhile reported suicides represent one of the three main

death causes among population between 15 to 34 years old.

To this national Organism, the increasing number of suicide victims, turns it to a public health matter that must be addressed expeditiously.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_260.pdf

PRECAUTIONARY MEASURES FOR A MOTHER THAT HAS NOT SEEN HER THREE SONS IN 21 MONTHS

CGCP/261/13

September 11th, 2013

The CNDH requested to the President of the Supreme Court of Justice of the State of Mexico and the Judiciary Council, to take precautionary measures to a mother who during 21 months has not managed to see her three underage sons, in spite of her visits to several judicial instances.

To ensure best interests of children, this national Organism requests to ensure mother's right to visit and cohabitate with her sons, in the place determined by judicial authorities, with the necessary legal

measures to ensure that situation status to remain the same until the three children's juridical situation has been resolved.

The National Commission also requires implementation of the necessary and appropriate monitoring mechanisms, to ensure children's physical and psychological integrity, and of complainant in terms established by authority, in order to comply with requested precautionary measure implementation.

According to complainant, it was known that on May 29th, 2012 first-instance was rendered, judgement by what was requested children's immediate

return to the cited country and city, determination was confirmed on July 5th, same year by the First Family Regional Chamber of Toluca, State of Mexico. The aforementioned injunction was unable to be implemented due to children's father brought proceedings allowing its objection.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_261.pdf

THE CNDH SIGNED COLLABORATION AGREEMENTS WITH THE UNIVERSIDAD AUTONOMA DE NUEVO LEON AND LAWYERS

CGCP/262/13

September 12th, 2013



The human rights are Mexico's population cultural achievement, that all should consolidate and make them irreversible. These could not be seen as politics in vogue, neither can be conditioned by ideologies or partisan views, assured the president of the National Hu-

man Rights Commission, Raul Plascencia Villanueva, after general agreements signing with the Universidad Autónoma, the Federación de Profesionistas and the Federación de Colegios, Barras y Asociaciones de Abogados, all from Nuevo Leon, he explained that human rights respect is the best indicator of society's democratic standards.

These agreements, he added, add up to the agreements signed few months ago with the three constitutional powers and academic communities of the entity, in order to establish foundations to promote observance, study, training and dissemination of human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_262.pdf

THE CNDH WILL INVESTIGATE GRIEVANCES AGAINST RELATIVES OF MISSING PEOPLE IN MEXICO CITY

CGCP/263/13

September 13th, 2013

The CNDH began investigation by alleged human rights violations perpetrated to relatives of 13 missing people in Mexico City at the end of May this year.

Victim's relatives arrived to the office of Crime Victim Support Programme (Spanish acronym PROVICTIMA) of the National Commission, to ex-

press their dissatisfaction by public servants' poor performance of the Mexico City District Attorney's Office.

They indicated that with these actions and omissions, they have been abused and re-victimized, to not have been appropriately ensured the rights under our Constitution, the General Victims Law and international instruments in the matter.

Once investigation is concluded and after evidence analysis and assessment, this national Organism will issue appropriate determination pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_263.pdf

THE CNDH RECEIVED NO COMPLAINTS REGARDING EVICTION OPERATION AT DOWNTOWN MAIN SQUARE OF MEXICO CITY

CGCP/264/13

September 13th, 2013

The CNDH reports that it received no complaints against the Federal Police because of eviction of members of the National Committee of Educational Workers (Spanish acronym -CNTE) located at the Zo-

calo (main square) of Mexico City.

Around fifty assistant visitors from this autonomous Organism remained in the spot, to monitor police force behavior, and to receive complaints from citizens.

The CNDH only received reports of policemen and injured protesters.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_264%20.pdf

JOINING EFFORTS TO ERADICATE DOMESTIC VIOLENCE.

CGCP/265/13

CGCP/265/13

September 14th, 2013

The CNDH invites society to join efforts to eradicate domestic violence affecting one of each three Mexican homes. Priority for this Organism is to make visible this Phenomenon that gives rise to situations damaging dignity and human rights of family members.

Domestic violence is use of physical force or moral, as well as lack of compliance with obligations, exercised repeatedly against a family member by other member thereof, against his/her physical integrity, emotional or both, independently if it causes injuries or not.

Therefore, this national Organism increased its training tasks to parents, along the country, teaching how to address to their children, their partners

and their parents, encouraging human rights culture and contributing to heal this problem.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_265.pdf



ENSURE FULL INCLUSION FOR PEOPLE WITH DISABILITIES

CGCP/266/13

September 15th, 2013

The CNDH exhorts country's authorities, to drive public policies ensuring full inclusion of people with disabilities in educational programs, of health, and to promote criteria unification at the supply of goods, services, facilities, programs and activities for people with disabilities.

The National Commission increased its support to this

sector in order for them to achieve independent living, self-sufficient and full realization on basis of equality.

Also the CNDH conducts systematic institutional efforts to fully renovate its facilities and ensure accessibility to its areas.

It promotes appropriate accessibility structure to government facilities to eliminate architectural obstacles, of transport, information and of

communication, hindering its usage.

As well, it has focused its efforts to fulfill the Convention on Rights of People with Disabilities, and its actions promotes respect and support to be recognized his/her enjoyment and the full exercise of their fundamental freedoms.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_266.pdf



THE CNDH ISSUES RECOMMENDATION DUE TO CASE IRREGULARITIES

CGCP/267/13

September 16th, 2013

The CNDH issued recommendation 34/2013, addressed to the Governor of the State of Yucatan, Rolando Zapata Bello, by inefficient investigation into a juvenile's homicide, whose personal effects were lost, there was negligence in the procedures execution, duplication of records, post-mortem examinations was carried out with another name, and the delay of more than two years to solve the inquiry, which is pending.

Facts occurred on July 14th, 2011, when it was found at a vacant lot a hanged dead body, his/her parents lodged a complaint, and an inquiry initiated.

ated.

Fourteen days later, they filed a complaint against public servants from the Prosecutors General's Office of Yucatan, due to inefficient integration of the criminal procedure.

On April 23th, 2012, they requested the intervention of this national Organism, by what the President of the CNDH exercised his discretion of attraction. Assistant Visitors and experts, carried out proper investigation and from information analysis, irregularities were found, thus on July 11 same year, conciliation was formalized.

However, on January 15th, 2013, more than 90 days after, and by lack of authorities' ele-

ments to accredit the conciliations fulfillment points, was agreed dossiers reopening.

On December 7th, this National Commission brought evidences to be integrated and analyzed at the inquiry.

After the information updating and the study of evidences, warns persisting infringement behavior to human rights to legality, legal certainty, decent treatment, honesty, proper justice enforcement and access thereof, in detriment to victim's relatives.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_267.pdf

THE CNDH ESTABLISHES COLLECTION POINTS FOR THOSE AFFECTED BY STORMS

CGCP/268/13

September 17th, 2013

The CNDH established collection points at headquarters and in each of its fifteen foreign offices, to gather and bring humanitarian aid to affected population by the storms that stroke the country.

This national Organism organized its offices' personnel at affected entities (Acapulco, Guerrero; Reynosa, Tamaulipas; and Coatzacoalcas, Veracruz)

to provide assistance required by citizens.

Donations are required, such as bottle of water (2 lts maximum), besides food as tuna fish cans and vegetables, sugar, rice, beans, lentils, oil, soup noodles, cereal and cookies. Likewise, plates, glasses, spoons, flashlights, diapers, toilet paper, sanitary napkins, bathroom soap, toothpaste, tooth brushes, unexpired drugs, like antidiarrheal, antifungal and rehydration solution.

Mexico City's collection cen-

ter, is located at the CNDH Headquarters, Periférico Sur 3469, San Jeronimo Lidice, postal code 10200, Magdalena Contreras, and will operate 24 hrs. a day.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_268.pdf



THE CNDH HAS TRAINED 65 THOUSAND 806 PEOPLE ON EQUALITY MATTER

CGCP/269/13

September 18th, 2013

The CNDH increased its informative and training campaigns on gender equality, addressed to population in general, in order to avoid discriminatory practices, of violence and exclusion against women in everyday life through denounce.

In the last 12 months, the Affairs Program for Women and Equality between Women and Men of the

CNDH increased attention complaints by more than 248%, which shows women's awareness on their Human Rights and that recognizes the National Commission as a protection entity to enforce them.

In this period 696 information requests were sent to health authorities, labour, government and of human rights.

During the year 2013 there have been sent 132 requests for information to authori-

ties in areas of health, labour, government and human rights.

From October 2012, to August 2013, 20 workshops specially addressed to indigenous women and rural have been given mostly at State of Mexico, Sonora, Puebla, Nayarit, San Luis Potosi, Veracruz, Chiapas, Tabasco and Jalisco.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_269.pdf



THE CNDH ATTENDS IMMIGRANTS STUCK BY TRAIN DERAILMENT IN CHIAPAS.

CGCP/270/13

September 19th, 2013

The CNDH began research by facts of immigrants travelling by train from Arriaga, Chiapas to Ixtapetec, Oaxaca, that have been stuck at Arenas community.

Derailment took place that day, due to the heavy rains that hit the area of the sonusco and coast of Chiapas and according with data gathered by the

CNDH, at the moment no injured has been found.

Thus, a group of assistant visitors visit the scene, as well as to the places where migrants were taken to certify their physical condition, as well as to provide them with assistance and orientation about their migratory situation.

The National Commission considers necessary to act with due diligence in the investigation and at facts proceedings information,

but above all at precautionary measures to protect migrants crossing our country, and to ensure their safety and personal integrity regardless their migrant situation.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_270.pdf



THE CNDH BEGAN INVESTIGATIONS IN THE STATE OF GUERRERO

CGCP/271/13

September 20th, 2013

The National Human Rights Commission began complaint file on possible irregularities by authorities of the State of Guerrero, at application of civil defense measures adopted before, during and after eventuality of past days in that entity.

An investigation oriented to learned about feasible grievan-

ces issued by omissions and inefficient procedures by public servants of the State of Guerrero, in charge of all and each of the affected entities civil defense.

Thus, the CNDH has required information from appropriate authorities and with the support of regional organism offices personnel, of this federative entity, to gather testimonies and exercising all kinds of procedures for file integration.

After investigations are being exhausted, this national Organism will issue appropriate determination pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_271.pdf



OLDER ADULTS' TRAINING

CGCP/272/13

September 21st, 2013

The CNDH encourages for ageing culture to make visible the importance of this social group, made up by more than 10.1 million of adults older than 60 years in the country.

Through its National Campaign for Promotion and Dissemination of Human Rights of Older Adults, the CNDH is looking forward to help them to overcome challenges like working marginalization, of family, social, political and economical that they face, and to

provide them with a decent environment, responsible, inclusive, and respectful for their rights.

During 2013 the National Commission trained 2 thousand 954 older adults; this year it was visited; Chiapas, Morelos, Yucatan and Mexico City.

It also launched campaigns: "Older Adults Human Rights to Life Project and Successful Ageing", and "Take a minute of your time".

This national Organism attends and investigates complaints regarding alleged violations of their fundamental rights; thus,

older adults who want to, will be provided of counseling and orientation within labour discrimination issues, pension and domestic violence, at phone numbers: 56 31 0040 and long distance toll free: 01800 869 0000, extensions 2327, 2305, 2333 and 2105.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_272.pdf

THE CNDH REQUIRES UNCONSTITUTIONALITY ACTIONS BY AMENDMENTS TO PENAL CODE OF MEXICO CITY

CGCP/273/13

September 22nd, 2013

The CNDH issued on September 20th, 2013, before the Supreme Court of Justice of the Nation, lawsuit for unconstitutionality against amendments to the Penal Procedure Code of Mexico City, on the grounds to be unconstitutional and unconventional, an expected deprivation of freedom for up to 10 days without gathering requirements foreseen in the Political Constitution of the United States of Mexico.

The mpugnation is against Article 270 bis1, about detention

measure with judicial supervision, now, opposite results have been included to articles 7th and 8, of the American Convention on Human Rights, the 9 of the International Covenant on Civil and Political Rights, as well as 3, 9 and 13, of the Universal Declaration of Human Rights, that lead personal freedom rights, to prior hearing, legal certainty, legality and, to due process; also to pro-person principles, presumption of innocence, arbitrary detention prohibition, turning it non-conventional.

Today's "judicial detention", created for Mexico City contradicts articles 11, 16, 18, 19, 20, 21, and

22 of the Constitution. Therefore, at its powers exercise, the CNDH brought this action and will be attentive in order for the SCJN to analyze arguments of this unconstitutionality action, and solve pursuant to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_273.pdf

AUTHORITIES FROM MEXICO CITY RECEIVED RECOMMENDATION 32/2013**CGCP/274/13***September 23rd, 2013*

The CNDH reports that recommendation 32/2013, issued on August 27th, 2013, by human rights violations to a woman that was requesting for her sons alimony, and that was deprived of her liberty during 12 months, was received; the head of Mexico City Government, the president of the Superior Court of Justice and of the Federal District Judiciary Council and the president of the Human Rights Commission of

Mexico City.

The National Commission confirmed that actions and omissions of those authorities took place to human rights violations to legal certainty, legality, access to justice, to guarantees and due legal process of victims; and also confirmed that her two sons with disability rights were violated to whom, among others, their right to integral development was violated.

In accordance with the CNDH law, the recommended authorities had 15 days to bring appropriate

evidences to comply with the cited Recommendation.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_274.pdf

AT FACING THE HUMAN TRAFFICKING CRIME, IT IS URGENT TO UPROOT INDIFFERENCE, TOLERANCE AND IMPUNITY**CGCP/275/13***September 24th, 2013*

The president of the CNDH assured that besides rights dissemination and highlight victims' problems, it is urgent to uproot the subsisting indifference attitudes and of tolerance.

While participating at workshop "Human trafficking, priority target to people's defense", conducted by the CNDH and the Spanish Foundation Citizenship and Values

(Spanish acronym- FUNCIVA), the Ombudsman noted that Mexico had reached important advances in the legislative field on the matter, framed in the Mexican government strategy to violence prevention.

holistic approach should be given, he said, through prevention, penalization and victim's protection. And, he expressed that the Mexican law forced the different administrations to coordinate and, among other measures, to establish

sanctions to those who hire spaces in journals or internet where human trafficking is promoted.

The president of the CNDH highlighted another risk flank that should be attended, those are social networks which turned to be used by organized crime to carry out offences as paedophilia.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_275.pdf

**THERE IS PROGRESS IN HUMAN RIGHTS BUT SUBSISTS UNCOUNTABLE CHALLENGES; RPV****CGCP/276/13***September 25th, 2013*

To the president of the CNDH, despite worldwide significant human rights advances allowing to restrain public servants' execution to the legal framework, uncountable challenges still subsist in the matter.

During the II International Congress "Ombudsman and Democracy", Raúl Plasencia

delivered the keynote address: "Democracy and Human Rights", setting out a broad overview from the democratic state consolidation process in the Ibero-American Nations over the past 20 years, in parallel with human rights protection and defense.

At the event, organized by the Regional Program on Support to Ibero-American Ombudsman Offices, the Ombudsman of Spain and the Ibero-American Om-

budsman Federation (Spanish acronym- FIO), the Mexican Ombudsman stressed the commitment set by human rights institutions in the area of democracy.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_276.pdf



PERSONS WITH DISABILITIES AS SUBJECTS OF LAW AND OBLIGATIONS

CGCP/277/13

September 26th, 2013

The CNDH considers it urgent for society to stop seeing people with disabilities as an object of health care and hold them as subjects with rights and obligations.

By participating at the Forum on Human Rights of Persons with Disabilities: *Disability and Legal Capacity*, Melba Olvera Rodríguez, Deputy Director General of the Programme on

Persons with Disabilities Assistance of the CNDH, she said in a statement that it has as its axis a legal system and political protection of human rights and respect for the dignity of citizens, should ensure that persons with disabilities full and equal enjoyment of their rights.

She also said that the reality of this sector of society is necessary to drive across the country an inclusive culture, through public policies that enable them to fully develop and enjoy equal opportunities in all areas.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_277.pdf



HUMAN RIGHTS, BASIS OF ANY DEMOCRATIC SYSTEM

CGCP/278/13

September 27th, 2013

The president of the CNDH assured that human rights are the basis on which any democratic system is constructed and its observance is the real indicator of people's welfare and essential for peace and development.

By attending the commemorative solemn ceremony marking the thirtieth anniversary of the

institution of the Spanish Ombudsman Institution, coincided with his counterparts, gathered at the Palace of the Senate, that the Ombudsmen are not enemies of the state institutions, on the contrary, he said, we must be convinced that we are best partner for the law to be respected and to put into practice.

In addition to sharing experiences, goals and objectives, important steps occurred for the collective construction of pro-

posals for the honorable conduct of the Ombudsman's mission as authentic guarantor, protector and defender of human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_278.pdf

LEGISLATIVE STRENGTHENING TO PROTECT RIGHT TO KNOW

CGCP/279/13

September 28th, 2013

Although the right to know is recognized at various national and international instruments, as a human right, the CNDH considers necessary to strengthen laws promoting and protecting the right access to public documents.

The National Commission points out that commemoration of the International Right to Know Day, on September 28, claimed the human right for

persons to be properly informed through information access.

Additionally, it states that freedom of information is deeply related with freedom of expression and two fundamental aspects: right to disseminate message comprising both propagation as its content, and right to be informed, ie, to receive the messages without impediment.

Thus, the CNDH endorses its commitment to protection and

defense to freedom of expression and the right to information.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_279.pdf

NECESSARY TO ADOPT NEW MEASURES TO AVOID CHILD LABOUR

CGCP/280/13

September 29th, 2013

The CNDH considers it necessary to adopt new measures to eradicate child labour increasing in our country.

Even though in our legal framework it is prohibited to use people under 14 years old labour, according to INEGI data, in our country 3 million 700 thousand boys and girls between 5 and 12 years old (10% of the 37 million 39 thousand

36 underage in our country) performed economic activities in companies and businesses.

Since its creation, the National Commission has boosted several activities to strengthen public policies observance in labour children rights protection and defense working at a very early age.

In general It has been detected that besides they suffered exploitation, mostly they have to work to cover their basic needs and

to contribute with household spending, in excessive working days, most of the time at dangerous places and unhealthy where they can suffer accidents, injuries or diseases.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_280.pdf



BEFORE HUMAN TRAFFICKING, IT IS NECESSARY TO BANISH INDIFFERENCE AND IMPUNITY

CGCP/281/13

September 30th, 2013

The CNDH considers necessary to banish attitudes of indifference, tolerance, impunity and corruption that exist between authorities and society, encouraging commissions as harmful as of trafficking offense.

Thus, the National Commission contributes to combat human trafficking crime through problem awareness between the authorities and society in general.

It provides necessary tools for public servants to help them in their criminal persecution tasks, but also at detection, care, protection and assistance to human trafficking victims.

From 2010 to last August 31st, the National Agency has focused on this topic to over 72,000 people, through over 600 training activities, instructed 9000 people by 100 courses so far this year.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_281.pdf



RECOMMENDATIONS

RECOMMENDATION 34/2013

MATTER: Infringement conciliation by the Attorney General of Justice of the State of Yucatan.

RESPONSIBLE AUTHORITY : Governor of the State of Yucatan

September 11th, 2013

The National Human Rights Commission began complaint file CNDH/2/2013/203/Q. On July 14th, 2011, after finding a hung death body; his/her parents lodged complaint, by what appropriate prior inquiry was initiated. Fourteen days later, they presented a complaint against public servants from the Attorney General of Justice of the State of Yucatan, by incompetent criminal procedure integration.

On April 23th, 2012, they requested intervention of this national Organism, in which the President of the CNDH exercised his authority to assert. Assistant visitors and experts, carried out appropriate research and after information analysis, irregularities were found, as far as on July 11, same year, conciliation was formalized.

General Attorney of that entity, on August 14th, 2012 accepted proposal of 8 conciliatory points, related to the prior inquiry adequate integration and in short time, to make pronouncement in regard to gathered evidences by the CNDH, the reasons why the father asked for the body's exhumation and to recognize victims parents as intervenors.

Besides damage repair and attention to victims' relatives; to design and teach comprehensive training programs to ensure human rights respect and pass the matter to the Attorneys Office General Visitorship against public servants that intervene in case.

Nevertheless, on January 15th,

2013, more than 90 days later, and by lack of authorities elements to confirm conciliation fulfillment, it was agreed files reopening.

On December 7th, this National Commission delivered evidences to be integrated and analyzed to the investigation. After information update and evidences study, it was warned about human rights violating behaviors to legality, legal certainty, decent treatment, honesty, due diligence and access to justice in detriment to victims' relatives.

From evidences' legal analysis comprising of cited complaint file, and as established at conciliation of July 11th, 2012, this national organism observed behaviors violating human rights to legality, legal certainty, decent treatment, honesty, due diligence and access to justice, in detriment to Q1,Q2,Q3 and Q4 attributable to AR1,AR2,AR3,AR4,AR5, AR6,AR7 and AR8 attached to the Attorney General of Justice of the State of Yucatan, connected with ongoing investigation regarding V1's death.

Because of the latter, he CNDH issued Recommendation 34/2013, that on September 11th, 2013 delivered to the Governor of the State of Yucatan, requesting damage repair to victims' relatives and to provide attention to victims, adequate prior inquiry integration, cited irregularities repair and to determine as soon as possible conciliation agreements fulfillment.

Also, to design and provide training comprehensive programs for public servants from that Attorney office, collaborating with the complaint of facts management and follow up, conducted by this national Organism before the General Attorney and to initiate appropriate prior inquiry, besides complaint be-

fore the General Visitorship of that body.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_034.pdf

RECOMMENDATION 35/2013

MATTER: Federal Center of Social Rehabilitation No. 11 “CPS Sonora” inmates, in Hermosillo, Sonora.

RESPONSIBLE AUTHORITY: National Safety Commissioner of the Secretariat of Interior

September 25th, 2013

The National Human Rights Commission began complaint file CNDH/3/2012/9755/Q. On November 5th, 2012 to February 12th, 2013 there were received 42 written complaints, in which human rights violations were denounced related to personal safety, health, legality, legal certainty, decent treatment and to social reintegration, attributable to public servants from that Decentralized Administrative Agency of Prevention and Social Rehabilitation, as well as the Federal Center of Social Rehabilitation number 11 “CPS Sonora”, in Hermosillo, Sonora, in detriment to that prison population which has been already legally processed.

This National Commission visited the cited prison center, in which it could testify that people deprived from their liberty, as well as prevailing conditions at this prison are not suitable to deprive liberty for all inmates dignify life and secure, beside that there are not labour activities, educational, sporting, and unsuitable inmates’ link with

society, to prison population has been given a limited and deficient medical care, without necessary staff for fundamental rights protection and monitoring of prison’s inmates.

Its worthy to mention that from actions carried out by this National Commission, hasn’t been detected that regarding cited human rights violations, attributable to personnel of the Decentralized Administrative Agency of Prevention and Social Rehabilitation, as well as the Federal Center of Social Rehabilitation number 11 “CPS Sonora”, hasn’t been passed the matter to the internal Audit Body of the Office of the Controller of cited administrative organism.

Now, from legal evidences analysis carried out to that file, and its accumulated, this national Organism observed human rights violations to personal safety, health, legality, legal certainty, to decent treatment and to social reinsertion to prison’s population detriment of the Federal Center of Social Rehabilitation number 11 “CPS Sonora”, in Hermosillo, Sonora, whenever authorities in charge thereof have not-fulfilled responsibility to ensure efficiently physical integrity and mental respect of the aggrieved, nor with carrying out appropriate conditions for their social reinsertion. Recommendation 35/2013 was

issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_035.pdf

ARTICLE OF THE MONTH

Counter Reformation and Human Rights; what it could have been

This week was passed by the SCJN is a counter reform reaffirming previous paradigm to 2011, in which human rights violation is possible if, and when established by the Constitution.

September 4th, 2013
By Maria Meza (@some_bunny) and Carlos De la Rosa (@delarosacarlos)

On June 10th, 2011 an ambitious constitutional reform which aim was to modify the role of human rights in political and social life of Mexico, was enacted. Ambitious because tried to place human right at an important place on legal system pinnacle.

However, as few things are clear once embodied in a rule, two years of reform, the Supreme Court of Justice (Spanish acronym- SCJN) was forced to determine what were considered true scope of reformed text. It was its second chance to resolve the contradictory argument 293/2011, which resolution had been since March 2012.

Much was at stake: decisions' Court depended to parameters setting within which the human rights defense will be established and will exercise over all authority act.

Before entering the topic discussed at the plenary of the SCJN last weeks, it is useful to remember how things were before the reform of 2011. Prior Constitutional amendment, Constitution's place as supreme enactment was beyond question, the Court repeatedly reaffirmed its special status.

However, after the reform, the

legislature decided to expand the constitutional rights catalog through addition of those rights contained in international treaties, thereby creating what some call "constitutional block".

It was predictable that a modification of this kind generated confusion and debate. On one hand there were those who celebrated the creation of the block and the subsequent rights alignment contained in international treaties and the Constitution, while others anxiously wondered if the Constitution had lost its special place in the Mexican legal system or if the human rights treaties equated in status with the Constitution.

In order to eliminate any inconsistency, the Court undertook the task of assessing implications of extending the list of rights in the dynamic regulation. The focus of the discussion focused on the question: What is the hierarchical relationship between a human right contained in the treaty and the Constitution?

Never before Court's members had been so close to an opportunity to confirm a "constitutional block" establishment, that constituted control parameter of regularity regardless of source or conventional constitutional rights.

Besides Ministers, also had the opportunity to say that if a contradiction arises between rights (no matter from what source emanated), it will not be solved by reason of any rule of hierarchy but through a balancing exercise on a case by case guide pro person principle. Ministers had opportunity

to establish the principle pro person as lighthouse of legal interpretation and thereby bind harmonization between constitutional and international rights in greater protection for the individual sense.

All this would have represented the matter most ambitious bet of recent decades and breaking with hierarchy paradigm in favor to the human rights progressiveness. In principle, draft submitted by the Minister Zaldivar promised scoring but finally missed the chance to reach the target.

At the end, Minister Zaldivar recoiled and altered his project. Gave necessary amendments to generate require consensus for approval diluting 2011 reform ambitious pretensions. Although in theory proposal maintains rights constitutional status contained in treaties, in practice, been subjected to impose restrictions by the Constitution.

Thereby, the idea of a true "constitutional block" that could serve, as a whole, as last parameter to control authority act, vanishes. Under the amended plan, as long as the Constitution establishes an "express restriction", it shall prevail. Missing impugnation opportunity, through judicial supervision, figures like the arraigo (type of informal detention) affecting internationally recognized human rights.

*Mariana Meza and Carlos De la Rosa @CIDAC investigators.

<http://www.animalpolitico.com/blogueros-tanque-pensante/2013/09/04/contrarreforma-y-derechos-humanos-lo-que-pudo-ser/#ixzz2dw5OvQad>

BOOK OF THE MONTH

The praxis of peace and human rights. Joaquín Herrera Flores *In memoriam*

This is a tribute, in which more than twenty specialists, in memory of the former professor of the University "Pablo de Olavide" Seville, and founder of the Andalusian Research Network for Peace and Human Rights (Spanish-acronym RAIPAD), Joaquín Herrera Flores

Entitled "The praxis of peace and human rights. Joaquín Herrera Flores In memoriam", the Instituto de la Paz y los Conflictos de la Universidad de Granada (Eirene collection) and Editorial Universidad de Granada (Spanish acronym -eug) have published a book in tribute to who was a professor at the University "Pablo de Olavide" Seville, and founder of the Andalusian Research Network for Peace and Human Rights (Spanish acronym- RAIPAD), Joaquín Herrera Flores.

Over twenty teachers and specialists contribute to this book publication in which collaborate, UNESCO, UNESCO Chair in Conflict Resolution at the University of Cordoba, University "Pablo de Olavide" Seville and of Malaga, Cádiz, Huelva, Almeria and Seville.

The volume, with a foreword by Carol C. Proner and Jesus Abellan Muñoz, and an introduction of those responsible for editing: Abellan Jesus Munoz, Alfonso Cortés González,

Eulogio Garcia Vallinas, Giles Rosa Carnero, Carmen Gonzalez Jinx, Francisco A. Muñoz, Manuel Torres Aguilar and Miguel Vazquez Linan, also contains the "Testament of Joaquín Herrera" and seventeen works by different authors, in which issues ranging from "War is peace deal. Propaganda as a cultural product" to "The challenges of teacher training for a peace culture at democratic school" through different culture aspects of peace, the European Human Rights Court, xenophobia, peace support, asylum, or the dignity of the displaced, among others.

In this book of 475 pages introduction says: "Joaquín Herrera left us, but his thoughts, ideas and proposals, continue giving birth, more strongly than ever, jumping strict circumscription of legal philosophy and illuminating reflections and commitments from all knowledge fields. Therefore, this book is not only a tribute to our teacher Joaquín, which is not little, but is also a piece inspired by him, for his efforts, his excellent work and for his unwavering commitment to political change and permanent peace construction .

Joaquín Herrera Flores, professor at the University "Pablo de Olavide" Seville, developed an extensive career, in both scientific and academic with extensive researches; publications, seminars, courses and conferences, at national and international levels.

He was founder of the Andalusian Research Network for Peace and Human Rights (Spanish acronym-RAIPAD) and participated in a coordinated action of the Government of Andalusia on Peace Research, and the Institute of Peace and Conflict at the University of Granada, collaborated in the "Doctoral Program Peace, Conflict and Democracy" on the research project "Classic Virtues for Peace", in the "Project for Excellence Culture of Peace in Andalusia, Experiences and Challenges" and in the book "Peace Research and Human Rights from Andalusia.



<http://www.alfonsocortes.com/?p=836>



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