



# Newsletter



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Message from Mr. Luis Raúl González Pérez at the presentation of the CNDH's 2014 Annual Activity Report, to the Minister Luis María Aguilar Morales, President of the Supreme Court of Justice, in accordance with the provisions of Section B, Article 102.

*Mexico, City, April 14<sup>th</sup>, 2015*

González Pérez noted it has been an honor to fulfill the constitutional mandate in this regard and acknowledged the willingness of the Minister President of the Supreme Court to realize that provision. While expressing his wishes that both organisms, within their respective fields of expertise, to intensify efforts for the dissemination of human rights and develop joint activities in favor

of people's dignity. Likewise, he stressed the affinity of the common objectives between the both bodies.

In welcoming the President of the Human Rights Commission, the President Minister Aguilar-Morales coincided with the need to strengthen institutional ties and continue on the path that leads to the protection of human

rights, which is one of the fundamental tasks of the federal courts and the National Ombudsman.

CNDH's 2014 Activity Report could be consulted at web page:

<http://www.cndh.org.mx/sites/all/fuentes/documentos/informes/anales/2014.pdf>



## Event of the month

### American Observatory of Human Rights



*Mexico City, April 9<sup>th</sup>, 2015*

Participation of the President of the National Human Rights Commission, Mr. Luis Raúl González Pérez, in presenting the American Observatory of Human Rights, at the Legal Research Institute of the Autonomous University of Mexico (UNAM).

## THE NATIONAL OMBUDSMAN WELCOMED THE EUROPEAN UNION SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS, STAVROS LAMBRINIDIS

CGCP/089/15

April 17<sup>th</sup>, 2015

The National Ombudsman, Luis Raúl González Pérez, received in his office the visit of Stravos Lambrindis, European Union Special Representative for Human Rights, with whom he agreed to keep a strong and fluid dialogue regarding fundamental rights, as well as to explore cooperation mechanisms between the European Union and the National Human Rights Commission.

This workshop was given as part of the visit to Mexico of the European diplomat, in the framework of the fifth edition of the Bilateral High-Level Dialogue on Human



Rights between Mexico and the European Union.

During the meeting, they discussed various issues, especially those related to the missing young students of the Normal Rural School "Raúl Isidro Burgos" of Ayotzinapa, Guerrero. The National Ombudsman explained the actions taken by CNDH, as well as the meetings he has had with their parents, relatives and representatives.

Lambrinidis noted the complex moment of human rights in

Mexico and the world, as well as protection tasks to be undertaken as a key element for democracies. Likewise, other issues were addressed such as the need to strengthen the rule of law and attention to indigenous people.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM\\_2015\\_089\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM_2015_089_1.pdf)

## THE NATIONAL OMBUDSMAN SENT A REQUEST TO THE GOVERNMENT OF MALAYSIA IN ORDER TO SUSPEND THE APPLICATION OF DEATH PENALTY AGAINST THREE MEXICAN CITIZENS; HE ASKS UN SOLIDARITY.

CGCP/096/15

April 24<sup>th</sup>, 2015

By knowing the judgment of the Federal Court of Malaysia, which ratified the death penalty against three Mexican, the National Ombudsman, sent official letters to government authorities of that country, asking them to suspend the application of the same. Likewise, he sent similar documents to the United Nations High Commissioner for Human Rights and to his counterpart in Malaysia, asking them their support and solidarity so that this punishment is not applied.

In his writings, the Mexican Ombudsman stressed that life represents the supreme good of the human being, and as such, is the most valuable legal right. He recalled that the right to life is a foundation of the constitutional provisions, which recognize and protect it as an essential value and supreme social interest.

He informed the Malaysian authorities that the National Human Rights Commission, respectful of sovereignty of nations, does not object to imposition of penalties, but pronounced because these actions are carried out within the International Human Rights Sys-

tem, in which our legal system is relied in.

Because of this, in an attentive and respectful way, CNDH requested that with the exercise of their powers, Malaysian authorities suspend the death sentence and commute it to a prison sentence.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM\\_2015\\_096.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM_2015_096.pdf)



## THE NATIONAL OMBUDSMAN WELCOMES MEMBERS OF THE MIGRANT CARAVAN; AND HE POINTED OUT NOT TO CRIMINALIZE THEM.

CGCP/091/15

April 18<sup>th</sup>, 2015

At receiving today members of the caravan migrant, led by the priest Alejandro Solalinde, the National Ombudsman, said that it is wrong to criminalize migrants. He also noted that we all have displayed enormous gaps and problems of migration.

At meeting, Solalinde thanked and acknowledged the company of visitors during the caravan, as well as the issuance of precau-

tionary measures made by the National Ombudsman. Likewise, Solalinde issued a complaint against authorities of the National Migration Institute (INM) and of the Federal Police, which he stressed- committed various human rights violations to caravan's members, and requested a comprehensive investigation of what happened at the checkpoint "El Espinal", Oaxaca.

Meanwhile; migrants exposed to González Pérez what they consider various human rights violations made by immigration and federal police authorities. They also requested his intervention to be not seen more as criminals, as only seeking to improve their quality life and that of their families.

During the meeting, CNDH informed that it has registered 139 complaints submitted by the members of the caravan. The President of the National Commission, assured that all will be integrated to the file and the facts will be alleged and thoroughly investigated.

González Pérez noted that the National Commission is aware that the participants in that caravan do not leave their country by choice, but by necessity. He also said that they are exposed in a second time, to harassment such as insecurity, extortion, and crime. He emphasized the difficult circumstances faced by women, children and youths, who are exposed to a double victimization.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM\\_2015\\_091.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM_2015_091.pdf)



## PRESERVING THE SUPERIOR INTEREST OF THE ABDUCTED YOUNG, WILL BE PARAMETER TO ASSESS THE ACTIONS OF AUTHORITIES: CNDH

CGCP/097/15

April 24<sup>th</sup>, 2015

CNDH requested information from the Ministry of Foreign Affairs (SRE), the Attorney General's Office (PGR), the National Commission on Security (CNS), the Presidency of the Integral Family Development (DIF) in Michoacán and regarding the judicial division of that entity, to the High Court of Justice, upon their performance in the case of the teenager who was abducted from her school, sent to the United States and returned to our country.

This, in the processing and integration of the complaint file which began as the presentation

of such facts. It has to be noted that since CNDH learned about the case, staff of this National Agency had interviewed the teenager's father and offered medical and psychological protection to the young woman and to her family, regardless of the ongoing investigation.

Once the required reports are received, CNDH will analyze them together with other evidence that will be integrated into the complaint file, in order to issue appropriate ruling upon the existence of human rights violations against the abducted young women. In this task, it will be crucial that authorities should take

into consideration and sought to preserve the best interests of the minor.

Similarly, it was stated that if there are find omissions in the regulatory framework applicable to these cases, it will be proposed coming reforms in order to prevent and interfere hereinafter, that lack of regulation may encourage human rights violations to girls, boys and teenagers, who could be under similar circumstances.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM\\_2015\\_097.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM_2015_097.pdf)

## CNDH AND UNICEF PROMOTED THE NEW INITIATIVE ON GIRLS, BOYS AND TEENAGERS RIGHTS

CGCP/103/15

April 30<sup>th</sup>, 2015

The National Human Rights Commission and the United Nations Children's Fund (UNICEF) today signed a collaboration agreement to promote from their respective powers scope the implementation of the General Initiative on Girls, Boys, and Adolescents Rights. This agreement was signed by Isabel Crowley, representative of UNICEF in Mexico and the National Ombudsman, Luis Raúl González Pérez.

In this manner, they were laid the foundations for the cooperation and coordination of efforts in the promotion, dissemination, research, advocacy and protection of the rights of children and adolescents. For this, they carry out various actions, such as conducting seminars, courses, sympo-

siums, certificates and other activities aimed to accomplish with the agreements' objectives.

In addition to exchanging experiences on a permanent basis that contributes to a better understanding of human rights aimed at children and adolescents, UNICEF and CNDH will conduct activities on the subject, addressed to public servants and to the general population, in order to strengthen human rights culture.

González Pérez emphasized that CNDH and UNICEF have been working in several activities. He also mentioned that the National Human Rights Commission has added to the platform page of this international organism on children's rights, which contains


several useful tools for the implementation of this legislation.


Meanwhile, Isabel Crowley stressed that with this law, Mexico has made history because this is an unprecedented text that has become a business model that enables communication, coordination and decision-making between the Federation, states, municipalities, civil society, and children themselves. In this task, the role of CNDH is of enormous significance, being key agent to contribute to the effective implementation of the integrated system.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM\\_2015\\_103.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2015/COM_2015_103.pdf)



## Recommendations

Authority	Issue	
<p>General Directotote of the Mexican Social Security Institute</p> 	<p>On the case of inadequate medical care and loss of life of V1, in the General Hospital of Zone No. 2, of the Mexican Social Security Institute, in Hermosillo, Sonora.</p>	<p>RECOMMENDATION 11/2015 April 1<sup>st</sup>, 2015</p> <p><a href="http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2015/REC_2015_11.pdf">http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2015/REC_2015_11.pdf</a></p>

Authority	Issue	
<p>Constitutional Government of the State of Chihuahua, the Government of Ciudad Juarez, Chihuahua.</p> 	<p>On the case of arbitrary detention, excessive use of public force in detriment of V1, V2, V3, V4 and V5; extrajudicial execution of V2, V3, V4 and V5; and improper administration of justice resulting in detriment of the victims.</p>	<p>RECOMMENDATION 12/2015 April 17<sup>th</sup>, 2015</p> <p><a href="http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2015/REC_2015_012.pdf">http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2015/REC_2015_012.pdf</a></p>



## CNDH and serious human rights violations

March 6<sup>th</sup>, 2015

By ISMAEL ESLAVA PÉREZ / II and Last

The risks of getting a serious qualification without taking into account the minimum essential elements. The above, allows us to point out that identifying serious violations outside the framework of an investigation and failing to observe the minimum essential parameters indispensables for that qualification, can cause the following:

- a) The violation of human rights to others, such as loss of life, personal integrity, due process, the presumption of innocence, honor, safety and legal certainty, among others. This given that access to information can leave defenseless and endanger those involved, if their identity is inferred. Inappropriate weighting may represent itself an alleged human rights violation, even against a public version.
- b) A preliminary determination of the severity of a violation made without the minimum essential elements arising from an investigation and, if there is no later stage for its analysis it becomes a substantial resolution.

Even when one might think that in preliminary determination it is made only a presumed severe human rights violations, in so far as the preliminary determination cannot be rechecked by who determined the severity, in that same extent it becomes a substantial resolution. The presumption of serious violation, in this case, is a presumption that unfortunately does not gives the possibility to proof the contrary.

- c) A different effect in which can influence the preliminary determination of serious human rights violations without the minimum essential elements is that access to information can affect the course rating and information disclosure that will be taken place meanwhile the ministerial investigations or criminal proceedings, which may cause prejudice to the rights of third parties or fact victims and thwart justice.
- d) A preliminary determination of violations severity made without being able to acquire greater evidence of conviction after, becomes into a final judgement which cannot be reversed to correct any inaccurate assessment. Therefore, counting with minimum essential elements for the qualification of the violation does not means opacity of access to information, on the contrary, it gives certainty to those involved in events.

One might think, however, that the decision is not final, as third parties could challenge it by injunction and then if justice is obtained the significance of the determination could be changed. However, this possibility does not exceed the risk announced.

- e) That in the same preliminary determination is resolved on access to information and for this, at same time; this should be related to a fact considered as a serious violation exercise. Thus, can confuse the exercise of two completely different constitutional powers, because if the right of access to information is exercised since the violation is considered serious, then also it is exercising the power to consider the facts as a serious violation.
- f) A preliminary qualification and the corresponding information access will require themselves, an incidence on the power to investigate acts constituted as grave serious human violations.

The rating of a serious human rights violation made by a specialized body constitutionally empowered and in the context of an investigation, do not leaves open the possibility for further qualification, since no other agency can cleave the essential minimum elements to do that classification.

The determination of serious human rights violations carried out by the specialized body which do out research upon this violations constitutes an exclusive power in accordance with article 102, paragraph B, of the Constitution. Therefore, avoids alter constitutional order and possible contradictions between bodies with delimited jurisdictions.

In conclusion, I would note that the facts which constitute serious human rights violations should always be supported by minimum essential elements to reach that determination, which is why there is no specific moment for such determination.

Moreover, the power granted to the guarantor authority to the right of access to information and expertise to investigate given the facts that constitute serious violations of human rights must be examined in light of the above, in order to preserve a harmonious system of organ functions and constitutional powers.

<http://www.lajornadadeoriente.com.mx/2015/03/06/la-cndh-y-las-violaciones-graves-a-los-derechos-humanos-2/>





## Iqbal Masih (The Tree of Reading. From 14 years)

(paper copy)

### Book summary

In 1995, Iqbal Masih, was martyred by the struggle against child slavery when he was killed in Lahore, his hometown. Iqbal denounced his situation to the public in order to aware the world of an injustice that affects millions of children in the world. From the recreation of the testimonies of those who knew him, they heard it or hated it.

In this work, we see the description of a character whose work has been indispensable in the search for a better world.

<http://mx.casadellibro.com/libro-iqbal-masih-el-arbolde-la-lectura-a-partir-de-14-anos/9788467356410/1772440>

**By:** Miguel Griot  
**Year:** 2010  
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**Editorial:** Oxford  
**Language:** Spanish



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# NEWSLETTER

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### Fifth General Visitor

*Edgar Corzo Sosa*

### Sixth General Visitor

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### Executive Secretary

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