



# Newsletter





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Words of Mr. Luis Raúl González Pérez, President of the National Human Rights Commission, in the presentation of the Special Report about the Recommendations in process directed to the federal, state and local authorities.

*Mexico City, June 8th, 2016*

The fulfilment of the Recommendations made by the CNDH faces delays which avoid that the violations of human rights that gave origin to those statements be adequately compensated, the responsible punished, the affections against the victims repaired and the adoption of measures to stop its repetition.

Issuing a Recommendation opens a new stage in the processing of complaints to the National Commission, which once credited the existence of violations of human rights, it is necessary to monitor and verify compliance with the recommended points when responsible authorities fully accept it, just as publicly denounce when it is not accepted.

The follow up attention of the Recommendations is a priority for the National Human Rights Commission. Therefore, the Special Report presented today aims to inform the public the state of the pending Recommendations.

Since its foundation in 1990, up until March 15th, 2016, the CNDH has issued 2,537 Recommendations to 3,102 authorities, from which, 361 are still pending to fulfill some of the recommendatory points that were directed to them.

The five most frequently authorities that have been recipients of a Recommendation by the National Commission since 1990 are, the Attorney General's Office, on 222 occasions; the Mexican Social Security Institute, 146; the Ministry of National Defense, in 123; as well as the Executive Powers of the states at Chiapas and Oaxaca, in 105 and 104 cases, respectively.

Regarding the federative entities whose state authorities have received more recommendations, between 1990 and March 2015, are Guerrero, in 136 occasions; Oaxaca, 134; Chiapas, 127; Mexico City, in 100; and Veracruz, 93. On the contrary, the entities less recommended during this period on a

state level are Zacatecas, with 23 recommendations; Querétaro, 18; Aguascalientes, with 11; and Baja California Sur and Campeche, with 10 recommendations.

Regarding to the entities whose municipalities have been addressed most recommendations between 1990 and March 2016, they are Oaxaca, with 44 recommendations; Guerrero, 39; Veracruz, 29; Chihuahua, 21; and Puebla with 19. The only entity whose municipalities have not been subject of a recommendation by the CNDH is Baja California Sur. The Ombudsman does not seek to be antagonistic to the authorities or public authorities; on the contrary, through its activities, helps to purify, strengthen and consolidate the institutions. The purpose of a protective human rights Body is not to issue a large number of recommendations, but only those that are appropriate once it has verified the violation of the individuals' fundamental rights, when the compensation for violated rights was not possible by other means or when the circumstances and characteristics of the case calls for this.

With respect to the period from 2011 to March 2016, the authorities that have most frequently recommended would be, the National Security Commission, on 58 occasions; the Secretariat of National Defense, in 46; the Mexican Social Security Institute, 45; the Attorney General's Office and the Ministry of the Navy, each with 23 recommendations.

By accepting a Recommendation, the authority compromises totally, should avoid simulation, omission and bias. The goal of any Recommendation is that each one is fulfilled; the fact of accepting a Recommendation does not compensates the violations of human rights that would have been made nor it gives response to the legitimate claims of the victims.

In the Special Report we can

see that, as consequence to the Constitutional Reform of 2011, the authorities of the different levels and organs of the government decided to accept practically the totality of the recommendations issued by the CNDH, since that date there has only be a record of 31 cases of not accepted recommendations, while in the previous period there was a rejection in 280 occasions.

In contrast, the total of 361 authorities have a pending compliance with a recommendatory point, 320 are linked to recommendations issued by this National Commission from 2011 to 2016, a figure which is particularly relevant, considering that the total of authorities recommended that same period is 530, which would yield that even if supported almost all the Recommendations, more than 60% of the recommended authorities do not fully meet the contents of those.

The simulation, omission, bias and lack of fulfilment of the law in compliance with the recommendations can be just as serious that the refusal to accept them. Failure is, by itself, a new violation of human rights, as it re-victimizes those who were the subject of violations that led to the recommendation and engages in a behavior that directly affects on increasing impunity and weakens our rule of law.

To the extent that the authorities give real and full compliance to the content of the Recommendations, the truth, justice and reparations to the victims arrive, having a positive effect in preventing new violations of human rights.

From all the authorities with pending recommendations by March 15, 2016, the greatest number of them are with the National Security Commission, with 46, followed by the Mexican Social Security Institute, with 29; the



General Attorney of the Republic, with 23; the Ministry of National Defense, with 15; and the Governor of Guerrero State, 14.

As for the time of the pending recommendations, 28 have more than 6 years that were issued, 57 would be located in a range of 4 to 6 years; 132 of 3 to 4 years, 128, 1 to 2 years; and 16 would have a minimum of one year. The two oldest pending recommendations are 16/2000 addressed to the National Water Commission and the 26/2001 which was delivered to the Presidency of the Republic, leaving questions concerning compliance by the Ministry of the Interior through its Human Rights Department.

The pending recommendatory points are vastly linked to the guarantee of no repetition, in a 39%; the attention of the victims, in 29%; and the processes to determine the responsibilities in

the administrative and criminal spheres of the public officials that violated the fundamental rights of the people, 25%. If so, the grades of complexity of each one of the cases vary, the opinion of this National Organism is that the major part of the breaches would not be justified and we cannot understand if there is a real and effective commitment by the different authorities with the respect, promotion and validity of human rights.

For that matter, this National Organism creates a requirement to all authorities of the different government levels and stages, to fulfill the recommendatory points still pending to comply, pointing each institute and official that would serve as link to check the details of the fulfilment in each case and its solution.

We must fight the prevailing impunity regarding the viola-

tions of human rights, preventing them to happen, investigating them as they occur, punishing the responsible and repairing them to develop the conditions of the victim's lives. Break impunity is one of the first steps to consolidate the construction of a real rule of law.

<http://www.cndh.org.mx/sites/all/doc/Participacion/20160608.pdf>





## National Ombudsman demands attending the Human Rights of Women with concrete and verifiable actions that develop Gender Equality

CGCP/150/16

Mexico City, June 2nd, 2016

By inaugurating the International Forum “The Human Rights of Women: developments, challenges in Public Policies with Gender Perspective and Mechanisms for its Evaluation”, the National Ombudsman, Luis Raúl González Pérez, marked that the human rights of women and the actions undertaken to its recognition, validity and protection, must be taken under a practical perspective, far from ideologies and politi-

cal speeches. He underlined that those actions must be focused in concrete, possible and certifiable actions that effectively transform the reality that women face and propitiate the gender equality, by recognizing and comprehending the differences between both.

The National Ombudsman pointed out that there are persistent cultural patterns and rooted practices that limit women and that

stand as obstacles for its full development, that must be combated, since there are no customs and habits that justify the violation of the human rights of women, nor a cultural patrimony that stands against the physical and emotional integrity of women.

[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_150.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_150.pdf)





## NATIONAL OBUDESMAN ALERTS ABOUT THE GENERALIZATION OF PRACTICES AGAINST THE RIGHT TO A HEALTHY ENVIRONMENT, IN FAVOUR OF PARTICULAR ECONOMIC INTERESTS

CGCP/149/16  
June 1st, 2016

By participating at the inauguration of the First World Forum for the Rights of the Mother Earth, the National Ombudsman, Luis Raúl González Pérez, alerted the society and authorities about the weakness of the Rule of Law in some regions of the country, that has generalized practices such as illegal logging or the destruction of woods and jungles to justify the changes of the “land use”, which causes severe damage to the environment and favors activities that satisfy particular economic interests on the natural areas, in detriment of people and communities that can beneficiate of those legitimately.

González Pérez marks that those facts demand urgent and adequate attention from the authorities, just as the collaboration and commitment of society, since the preservation and care that we give to our ecosystems will depend, in a good measure, the human well-being and the economic and social development of our country in the years to come.

He added that “it is precise to recognize and support the labor of the organizations and civil protectors that have raised their voices to defend the land, nature and life; those that have fought for the solidarity between people and to prove that the ruling poverty, social exclusion and the inequality levels are realities that go against a logic of a democratic State based on the Rule of Law, violating the dignity of the people that suffer them.

[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_149.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_149.pdf)





## WORLD DAY AGAINST CHILD LABOR

CGCP/160/16  
June 12th, 2016



12 JUNIO



DÍA MUNDIAL CONTRA EL TRABAJO INFANTIL

Child labor and exploitation in any form, constitutes a violation of the rights of the children and adolescents and a manifestation of the imperative poverty, vulnerability and social exclusion that exists in Mexico. The underage do not chose to word instead, for many families, their inclusion to the labor market represent an income source to ensure their survival, or a cultural activity accepted as a modus vivendi against the difficulties to access education and other opportunities to individual and communal development.

In our country, the work of people under 15 years old is prohibited, and for those older that this but under 18, the legislations states specific conditions for their

improvement with the goal to safeguard their integrity and development.

It is indubitable that, as stated in the General Law of the Rights of Children and Adolescents as well as in the local laws on the matter, the consideration to this severe problematic must be attended in a comprehensive way, requires transversal public policies, with gender and rights perspectives orientated to reduce pover-

ty and discrimination to guarantee that all children and adolescents of the country have access to education, heath, to live in a family, among other qualified public services as well as to have assistance and social protection, so that the family members that are in a vulnerable situation can access to a job that permits that children and adolescents would not need to work.

[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_160.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_160.pdf)

## TO MARK THE WORLD REFUGEE DAY THE CNDH CALLS FOR GENERATE, REINFORCE AND PROMOTE ACTIONS TO PROTECT THE RIGHTS OF THE SEEKERS OF ASYLUM, REFUGE OR THE ONES THAR ARE IN NEED OF INTERNATIONAL PROTECTION

CGCP/175/16  
June 20th, 2016

On December the 4th of 2000, the General Assembly of the United Nations (UN) declared June 20th as the World Refugee Day, for it to match with the 50th anniversary of the Convention relating to the Status of Refugees of 1951.

The CNDH recalls that in the field of refugee and asylum, the Mexican State has the Law on Refugees, Complementary Protection and Political Asylum, which was published on January 27th, 2011, and amended on November 30th, 2014, to include the concept of Political Asylum.



20 JUNIO



DÍA MUNDIAL DE LOS REFUGIADOS



In Mexico, during 2015, 3,423 applications were received in this matter, of which 939 people were recognized as refugees and 62 with additional protection, while from January to February of this year, another 875 applications were submitted and 367 had refugee status and 62 received additional protection, that according to current data of the Mexican Commission for Aid to Refugees (COMAR).

The CNDH urges the Mexican State to strengthen the actions of protection for the human rights of persons seeking the status of Refugee and Refugees, and to consider from A guaranteed and complete protection approach the vulnerable situation that the applicants cross, so it must ensure extraordinary protection measures, as well as to unaccompanied minors during migration that, because of their status, they must

enjoy all necessary measures of protection that are established in the Mexican legal framework and in international treaties that Mexico has signed and ratified.

[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_175.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_175.pdf)

## THE CNDH CELEBRATES THE APPROVAL OF THE AMERICAN DECLARATION OF THE RIGHTS OF INDIGENOUS PEOPLE

CGCP/178/16  
June 23th, 2016

The National Human Rights Commission celebrates the approval of the American Declaration of the Rights of Indigenous People, from the General Assembly of the Organization of American States (OAS). This Inter-American instrument constitutes a fundamental step for the protection and guarantee of human rights of the indigenous people throughout the continent.

The text of the Declaration recognizes, among others, the right of the indigenous people to free determination, to their ancestral territories, to consultancy and previous, free and informed consentment. Likewise, the right to live free from genocide and other forms of assimilation, racial and social discrimination.

This Constitutional Organism urges all the authorities of the

Mexican State to, within the scope of its powers, take all necessary measures and to harmonize its national legislation and administrative practices in the light of the American Declaration on the Rights of Indigenous Peoples.

[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_178.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_178.pdf)



# La CNDH celebra la aprobación de la Declaración Americana sobre los Derechos de los Pueblos Indígenas



# CNDH EXPRESSES THAT THE RECOMMENDATIONS MADE BY INTERNATIONAL ORGANISMS ABOUT TORTURE MUST BE ATTENDED

CGCP/181/16  
June 26th, 2016

On the occasion of the International Day in Support of Victims of Torture, this National Organism condemns this practice and stresses the need to address the recommendations made by national and international organizations. The National Human Rights Commission (CNDH) calls on the importance of preventing the scourge of torture until its complete eradication.

It also considers that the State must comply with the recommendations made to the Mexican government by international organizations, which have to be fully met, as well as those made by the national system of protection of human rights around the promotion of respect for human dignity and culture of legality.


Also, we will continue strengthening the National Mechanism

for the Prevention of Torture, which must be further strengthened to improve the conditions to respect the human rights of all persons deprived of their liberty, considering the work done, visits and reports carried out and in general all actions taken for promoting its eradication.


[http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com\\_2016\\_181.pdf](http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_181.pdf)





## Recomendaciones

Responsible Authority	Issue	Recommendation
Ministry of the National Defense 	About the sexual aggression of V, made by the military in its installations at Nuevo Laredo, Tamaulipas.	RECOMMENDATION NO. 29/2016 June 7th, 2016  <a href="http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_029.pdf">http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_029.pdf</a>



Responsible Authority	Issue	Recommendation
Ministry of the Navy 	About the case of arbitrary detention, retention and illegal search warrant and cruel grave treatment of V1, V2 and V3, in Coatzacoalcos Veracruz.	RECOMMENDATION No. 30/2016 June 13th, 2016  <a href="http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_030.pdf">http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_030.pdf</a>

Responsible Authority	Issue	Recommendation
Tamaulipas state government 	About the case of violation of the right of reproductive freedom and autonomy, as well as obstetric violence in detriment of V1, at the General Hospital of Altamira “ Dr. Rodolfo Torre Cantú” of the Health Ministry of Tamaulipas.	RECOMMENDATION No. 31/2016 June 30, 2016  <a href="http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_031.pdf">http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_031.pdf</a>

Responsible Authority	Issue	Recommendation
Aguascalientes state government 	About the case of violation to the rights of the protection of the health and safety of V1, at the Health Center of Ojocaliente Norias and Women’s Hospital, under the Ministry of Health of Aguascalientes state.	RECOMMENDATION No. 32/2016 June 30, 2016  <a href="http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_032.pdf">http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_032.pdf</a>

**Artículo del mes**

**What are the Human Rights?**

*By Perla Gómez Gallardo*



The past month of March, the Inter-American Commission of Human Rights (IaCHR) published its Report about the Situation of Human Rights in Mexico, in which it concluded that in our country there is a serious crisis of human rights and violence, as consequence of the confrontation between the policy and the organized crime. Besides the IaCHR alerted about the particularly critical effects registered among some groups of the population in this context. Women, for example, more frequently than men, are victims of rape, sexual abuse, familiar violence or human trafficking.

Each one of these grievances affects one or more rights, which we must know as society, which is why we must ask ourselves: what are the human rights? Up to date, there is no unique definition, however we can affirm that they are all prerogatives inherent to the dignity of people, without any distinction of sex, color, ethnicity, religion, political opinion, language, nationality or any other condition. They are also those minimum conditions to have a dignified life and represent the limits to the exercise of state power.

<http://www.elgrafico.mx/columna/01-06-2016/que-son-los-derechos-humanos>



## Human Rights, Democracy, Environment and Indigenous Movements

*Author: Margarita Rodríguez Falcón, Gloria Castillo O.*

*Editor: Académica Española*

*Website: <https://www.eae-publishing.com/>*

*Number of pages: 220*

*Published in: 2016- 04- 26*

The three main subjects of human rights developed in this book, correspond to different realities lived in Mexico.

The environment, the democracy, and the indigenous movements leave us unfinished works, through this book we pretend to get close to those scenarios from an interdisciplinary look.

The unfinished and in process of consolidation democracy system, the indigenism that leads us in a travel around the historic and multicultural Mexico and the environment as a human right, gather this academic work.

<https://www.morebooks.de/store/es/book/derechos-humanos,-democracia,-medio-ambiente-y-movimientos-ind%C3%ADgenas/isbn/978-3-8417-6387-7>







## **The CNDH**

*Defends and protects your rights*

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# **Newsletter**

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### **Third General Visitor**

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