




Newsletter





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Carta de Novedades, Nueva Época, No. 284, octubre 2016, es una Publicación mensual editada por la Comisión Nacional de los Derechos Humanos, Periférico Sur 3469, Col. San Jerónimo Lídice, Delegación Magdalena Contreras, C. P. 10200, Ciudad de México, Teléfonos (55) 56 81 81 25 y 54 90 74 00, Lada sin costo 01800 715 2000, www.cndh.org.mx. Editor responsable: Secretaría Ejecutiva, CNDH. Lic. Héctor Daniel Dávalos Martínez. Reserva de Derechos al Uso Exclusivo No. 04-2015-050410012300-203, otorgada por el Instituto Nacional del Derecho de Autor, ISSN: en trámite. Responsable de la última actualización de este Número, Secretaría Ejecutiva, CNDH, Lic. Juan Carlos Villalobos López, Blvd. Adolfo López Mateos, 1922, 1er piso, Col. Tlacopac, Delegación Álvaro Obregón, C. P. 01049, Ciudad de México, fecha de la última modificación 31 de octubre de 2016.

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REMARKS MADE BY MR. LUIS RAÚL GONZÁLEZ PÉREZ, PRESIDENT OF THE NATIONAL HUMAN RIGHTS COMMISSION, AT THE PRESENTATION OF THE REPORT ON THE PROBLEMS OF CENTRALAMERICAN UNACCOMPANIED MINORS, IN CONTEXT OF INTERNATIONAL MIGRATION THAT ARE IN TRANSIT THROUGH MEXICO AND IN NEED OF INTERNATIONAL PROTECTION.

Mexico City, October 24th, 2016

When an individual is in migration context, it is in a vulnerable condition, which is aggravated when it refers to children and adolescents who left their home countries and that are apart from their parents or other relatives who are on their protection in accordance with the law.

This Phenomenon is not only a daily issue in Mexico, since it occurs worldwide and has increased considerably in recent years. This is a matter that the National Human Rights Commission views with concern and, due this, it urges to make it visible and to be attended without delay. Because of the above, a report has been elaborated and presented today.

The exact number of children and adolescents in this situation can't be determined, because there are no controls or comprehensive and trustful records about it. Nevertheless, we have information related to those who were detained by the Mexican migratory authorities in recent years, worrisome data because it shows that from 2014 to 2015, the figure of detentions doubled its number from 10,943 to 20,368. The tendency of the numbers growing continues; within the first 7 months of 2016, practically has achieved the levels of 2014, registering 9,326 people detained.

More than 90% of unaccompanied girls, boys and adolescents that were detained in Mexico come from countries that form part of the so-called North Triangle of Central America, made up by El Salvador, Guatemala and Honduras. These people have had to leave their home countries to look for a better quality of life, family reunion, or escaping from poverty, violence, insecurity, ex-

clusion and lack of opportunities, among others.

The fact that there are not appropriate records on unaccompanied migrant childhood and adolescence makes very difficult to identify, help and protect them and it is generated a conducive environment that enable the violation of their human rights. Also it is favored an environment where they can be object of violence and abuses, besides they can be easily caught by the organized crime.

Also those who are detained by migratory authorities neither have found an environment of respect and full protection for their rights. While it is true that Mexican authorities have initiated several legislative and administrative actions for their attention, thereof are still insufficient and limited.

Among recurring infringement practices to human rights, this National Organism warned upon the fact that migrant children remain being detained at migratory stations, without being immediately taken to care

centers, as indicated at the international standards, where they should receive required attention and protection, for the purpose of, among other things, they can be identified, informed about their legal situation as well as the possibility that they have of asking for asylum, to make contact with their home country's consular services and to provide them with required legal representation or tutorial during migratory administrative procedures or finally assisted return to their home countries, if applicable.

Evidence from this has been that from the total amount of 36,174 children who are migrating on an accompanied or unaccompanied way and that were detained in 2015, only 12,414 were taken to shelters that are part of the System for the Comprehensive Development of the Family (DIF), at the state or municipal level. That means that practically in the 68% of the cases; they were interned in the same places and conditions as the adults were. As a result, it is clear in most cases, that the authorities acted with-



out determination, recognition or protection to childhood and adolescence best interest that constitutes itself an infringement to their human rights.

This situation has been observed by the CNDH through its periodical visits for supervision carried out at migratory stations. The CNDH have issued between 2015 and 2016 a total of 40 applications of precautionary measures, in benefit of 465 unaccompanied minors, in order for them to be immediately relocated to the respective social care centers.

Although there are several legal provisions on children, their content is inappropriate because they do not ensure the effective rights for the protection of those who are migrating, mainly of those unaccompanied. The above, because these legal provisions do not defined clearly the areas of intervention and specific responsibilities of the various authorities involved. The existence of concurrent powers that are related to federal, local and municipal authorities means that there is no coordination in the practice. This, the coordination, would be desirable at the time of undertaking specific actions, doubling functions and avoiding resources allocated to this area are excessive.

To date, there is no a unified and binding procedure for the determination of the best interests of the child, in relation to the migration scope, which follows the international standards and which observance and application should be of essential requirement to the validity of the determinations and processes that are being taken on the matter. Only has to bear in mind that both the United Nations and OAS special rapporteur on persons in context of migration, as the United Nations Committee for the Protection of Human Rights of all Migrant Workers and their Families; and the Committee on the Rights of the Child, have noted with concern, these issues in our country.

In this sense, another element that this National Organism warned of, and that effects the violations or the verification on the violations of human rights that childhood have, is the profile and training of the migratory staff. While from a formal point of view, it is supposed that the total of public servers count with appropriate training, testimonies gathered by the CNDH demonstrated with their work, in fact, that they do not count with the required training. Thus, it is indispensable to adopt necessary measures to ensure that all personnel working with and for migrant children meet all the requirements and own the necessary knowledge for that effect.

Likewise, it is considered necessary to ensure that the social care centers that may be able to receive migrant children, count with the required technical capacities and conditions for that purpose. It is also needed that the centers are properly registered and supervised.

On this report, this National Commission observed that not in all the cases social care centers cover the needed conditions, and frequently, they are not located in entities that present the greatest migration flows, so it is necessary to relocate them or to create new ones at the points where they are most needed.

To the National Human Rights Commission, solutions to migratory problems in the area wouldn't be achieved through policies or punitive mechanisms which are focused in preventing individuals' entrance. Stopping the transit of persons only generates that the migratory flows continue on an unlawful manner. It is important to determine and understand appropriately the causes that are originating the migratory phenomena and to act effectively in its attention. This imply joint and coordinated efforts between the diverse involved countries, that should assume the migration of childhood and adolescence

as a priority, the rights of these people should be taken into consideration for the design and implementation of public policies in the matter, which should consider not only assistance options, but also of inclusion.

Hereafter, the Fifth General Visitor, Dr. Edgar Corzo, will expand upon the relevant methodology and other features used in the report released today:

<http://www.cndh.org.mx/sites/all/doc//Participacion/20161024.pdf>

THE CNDH IS COMMITTED TO THE HUMAN RIGHTS DEFENSE IN THE FRAMEWORK OF THE ADOPTION OF THE NEW URBAN AGENDA

October 27th, 2016

Aiming to promote the key role of the National Human Rights Institutions (INDH) in the design, implementation and monitoring of the New Urban Agenda, the CNDH participated in several work meetings at the International Habitat III Conference.

Together with the Ombudsman Offices of Ecuador, Argentina, Brazil, Colombia, Costa Rica, Uruguay, Paraguay, Portugal, Mexico City Human Rights Commission and the Baja California's Human Rights Commission, convened by the Ibero-American Federation of the Ombudsman (FIO), the Latin-American Institute of Ombudsman (ILO) and the German Agency for the International Cooperation (GIZ, acronym in German), the National Human Rights Commission calls to global actions orientation towards sustainable urban development where human rights enjoyment become reality; mainly wellbeing of vulnerable groups, such as children and adolescents; persons with disabilities; women, migrants, displaced persons and older adults.

During his remarks at the open round table entitled "The Human Rights Institutions Role upon the implementation of the New Urban Agenda", Luis Raúl González Pérez, President of the CNDH, expressed all countries common desire to contribute for the construction of inclusive cities, without discrimination, resilient, respectful of the environment, productive and sustainable, in which the right to live in habitable and safe spaces should be possible.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_275.pdf



THE CNDH CALLS UPON SOCIETY AND AUTHORITIES TO BOOST AND RESPECT THE OLDER ADULTS RIGHTS, WHOSE DIGNITY SHOULD BE RECOGNIZED AND THEY SHOULD BE SEEN AS SUBJECTS OF RIGHTS

DGC/249/16

October 1st, 2016

At the framework of the International Day of Older Adults, the National Human Rights Commission (CNDH) works to eradicate the idea in which older adults are passive recipients of attention and care or simple beneficiaries of social programs. The CNDH also works to end the practices that restrict their decision making capacity.

This National Organism noted the need to eradicate maltreatment to this segment of the population. Despite 60 and more year old women and men enjoy all human rights recognized in our Constitution, such as in the Older Adults Rights Law and other legal provisions, an important percentage of this sector are in a vulnerable state and sometimes suffer of exclusion within the different scopes in which they are developed.

In 1999, the UN emphasized the need of developing a link among different population's generations in several aspects of life in order to create a society for all ages, that is to say, an intergenerational solidarity.

In order to recognize older adults' contribution to social and economic development, the CNDH encourages the State, families and community to promote and dignify the full ageing forecast as a general interest issue, mainly among younger people, to create a culture on projection upon living conditions that they will have when they become part of the older adults group.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_249.pdf



Suprema Corte
de Justicia de la Nación



CNDH
MÉXICO

La Comisión Nacional de Derechos Humanos, el Seminario Universitario Interdisciplinario sobre envejecimiento y vejez de la UNAM y la Dirección General de Estudios, Promoción y Desarrollo de los Derechos Humanos de la Suprema Corte de Justicia de la Nación

Invitan al



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Transmisión por streaming:
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THE CNDH CONDUCTS OBSERVATION ACTIVITIES AT THE CROSSING POINTS OF TAPACHULA, CHIAPAS AND TIJUANA, BAJA CALIFORNIA, WITH THE PURPOSE OF MONITORING THAT MIGRANTS' HUMAN RIGHTS THAT CAME FROM AFRICA AND HAITI ON THEIR WAY TO UNITED STATES OF AMERICA, SHOULD BE RESPECTED

DGC/251/16

October 3rd, 2016

The CNDH considered essential and appropriate to observe in situ the migratory problems at the crossing points of Tapachula, Chiapas and Tijuana, Baja California, due that lately, migrant population from the African continent and Haiti have increased substantially in their purpose of entering to USA.

From the given Information by the National Institute for Migration (INM) to the CNDH, it is stated that, during this year, it has been accumulated more or less 13, 0000 people from this nationalities. Only in the months of August and September there were counted near to 4, 000 persons of both genders, among adults and underage.

For this motive, the CNDH constituted in Tapachula, observing this situation has provoked great activity to the INM, if it is considered that this Institute gives each day a percentage of 300 exit letters, with a 20 days validity allowing migrants to travel to Tijuana by air or land without the need to stay at the Migratory Station XXI Century in Tapachula, which capacity should be overcome before the migrant population of these nationalities and others.

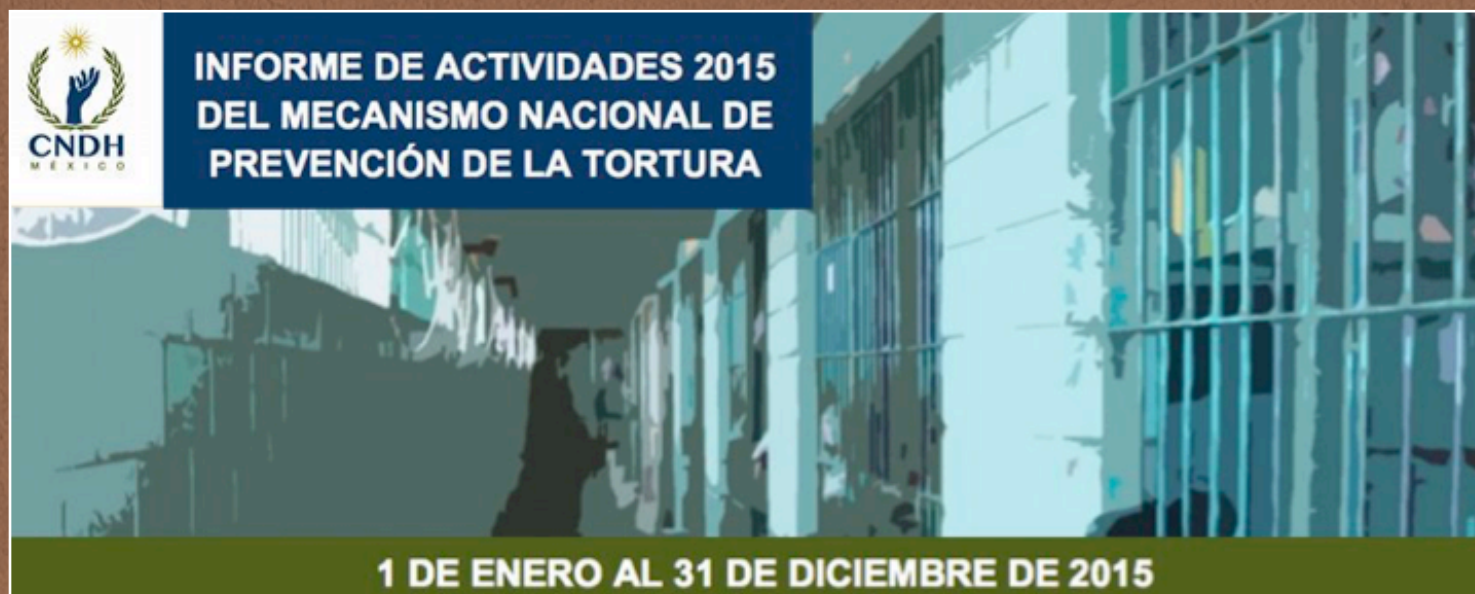
Currently, migrant authority does not have objective data allowing us to know how many persons will keep arriving to Mexico from Africa and Haiti. The delivery of these exit letters

is carried out in a period between 10 to 15 days, within this time these people in context of migration mainly live in hotels or rented houses.

The CNDH reiterates that migrants own universal human rights and should be provided with care and attention.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_251.pdf





THE CNDH ISSUED REPORT OF THE NATIONAL MECHANISM FOR THE PREVENTION OF TORTURE (MNTTP)

DGC/253/16

October 5, 2016

The National Human Rights Commission issued the 2015 Report of the National Mechanism for the Prevention of Torture (MNPT) aiming to inform upon this year developed actions that tend to protect through prevention, people deprived from liberty against torture and other cruel, inhuman or degrading treatment or punishment.

The above in the exercise of the powers conferred as the National Mechanism for the Prevention of Torture, as it is based on article 102 (B), of the Political Constitution of the United Mexican States; 6, paragraph VII and XII, of the Law of the National Human Rights Commission, and the 61 of the Intern Law, as well as in the article 19 and 20 of the Facultative Protocol of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment.

The report shows a comprehensive picture in regard of the function of this Mechanism, as well as the actions carried out since its beginning and mainly the ones conducted during 2015. It describes its bases and the foundation of its action, the identification of the detention places in the country (approx-

imately 5,000), global data of visits and reports conducted by the MNPT from 2007 to 2015 (4,014 visits) and the methodological work for the development and application of 10 supervision guides which were designed according to different types of detention centers located in our country, such as: Public Minister Agencies and Attorney's offices, "Arraigo" Centers, Social Reintegration Centers, Women Social Reintegration Centers, Adolescents Detention Centers, psychiatric Institutions, Migratory Stations and Transit Stays, Municipal Areas for Protection, Detention Centers for Addictions and Shelters.

The 2015 Report of the National Mechanism for the Prevention of Torture (MNPT) can be consulted at the website: www.cndh.org.mx

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_253.pdf

THE CNDH STRESSES ITS REFUSAL TO DEATH PENALTY, POINTING OUT THAT AT ITS POWERS SCOPE, IS WORKING UPON ITS WORLDWIDE ERRADICATION

DGC/259/16

October 10th, 2016

With the motive of the commemoration of the World Day against Death Penalty, the National Human Rights Commission reiterates its refusal to the implementation of this pattern, incompatible with the respect of anyone's fundamental rights.

This National Organism sustains that right to life is the basis of the constitutional regulations that recognize it and protect it as an essential value and a high

social interest, for which nations have the responsibility to provide the best absolute protection.

In Mexico this practice has been abolished, but it is urgent to join against this sanction considered as cruel and inhuman due to its irreversible damages, the impossibility to be adjusted and that attempts against human being existence.

The National Commission states categorically that death pe-

nalty is a measure that does not ensure law enforcement. In that sense, the CNDH calls that the imposition of penalties should be carried out within the International System of Human Rights, in which our legal system shelters.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2015/Com_2015_205.pdf



THE CNDH WELCOMES THE RECOMMENDATIONS MADE FROM THE HIGH COMMISSIONER TO THE MEXICAN STATE AND HIGHLIGHTS ITS COINCIDENCE WITHIN THEM. IT ALSO CALLS THE GOVERNMENT TO PROVIDE FULL ACCOMPLISHMENT TO THEM, BECAUSE THEY CAN BE FULFILLED

DGC/272/16
October 22nd, 2016

The National Human Rights Commission welcomes that Mr. Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, has handed over to the Mexican Government, during an event carried out at the United Nations headquarters in New York City, 14 recommendations resulting from an official visit to our country in October 2015.

The High Commissioner recommends, among other issues, to strengthen efforts in order that all serious grievances to human rights, including torture, extra-


judicial executions and enforced disappearances, should be investigated and punished; to reform Military Justice Code and other relevant laws so civil jurisdiction should learn about cases of human rights violations committed against militaries. He also emphasizes on the strengthening of public policies that should favor women; as well to ensure prior consultation to Indigenous People and combat impunity.


The CNDH recognizes authority's openness by receiving this kind of visits and the will already


expressed to accomplish its international compromises. Together with the aforementioned, this National Organism calls the Government of Mexico to implement them, as they can be fulfilled, and it encourage to boosts different authorities efforts aiming to accomplish them.


http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_272.pdf



RESPONSIBLE AUTHORITY	ISSUE	RECOMMENDATION
<p>Colima's Constitutional Government</p> 	<p>About the security weaknesses and about the attention of addictions at the Social Integration Center of Colima, resulting into the loss of life of 13 persons.</p>	<p>RECOMMENDATION No. 49/ 2016 October 24th, 2016.</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_049.pdf</p>

RESPONSIBLE AUTHORITY	ISSUE	RECOMMENDATION
<p>National Institute of Social Security</p> 	<p>About the case of Obstetric violence and inappropriate medical care against Q1-V1, and the loss of life of V2, in the then Hospital Rural of Oportunidades No. 8 of IMSS, in Bochil, Chiapas.</p>	<p>RECOMMENDATION No. 50/ 2016 October 28th, 2016.</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_050.pdf</p>

RESPONSIBLE AUTHORITY	ISSUE	RECOMMENDATION
<p>General Attorney of Veracruz State.</p> 	<p>Regarding the appeal of V, against the non-acceptance of the Recommendation issued by the Human Rights Commission of Veracruz State.</p>	<p>RECOMMENDATION No. 51/ 2016 October 31, 2016.</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_051.pdf</p>

RESPONSIBLE AUTHORITY	ISSUE	RECOMMENDATION
<p>Commission for the Regularization of Land Tenure.</p> 	<p>On the case of violations of the Rights to Legality and Legal Security in violation of V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12 and V13, and violation of the right to Petition because of the obligation to guarantee the principles of Legality and Legal Security, in detriment of V14, by the Commission for the Regularization of Land Tenure.</p>	<p>RECOMMENDATION No. 52/ 2016 October 31, 2016.</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_052.pdf</p>

Two year from Ayotzinapa, Defense of Human Rights in Mexico in not persuasive.

Last month, the Department of State informed to the congress, without fanfare, that after a long debate it has decided to attest that Mexico has carried out needed advances on human rights defense, and so justifies Mexico to receive full economic aid of 155 million dollars.

This deactivates the decision taken last year by the Congress, to hold a small amount of the aid until tangible progress upon human rights protection has been detected. Justification from the Department of State- barely known- is not persuasive.

Although Mexico has announced a set of initiatives to counter torture and has promised to investigate profoundly enforced disappearances, we cannot rely on the commitments it has made, mainly facing investigation mishandling of the alleged

massacre of the 43 teachers training students at the state of Guerrero, two year ago.

Vermont's senator, Patrick Leahy, who sought to tie the help, said that Mexico has not sufficiently advanced to eradicate torture, disappearances and extrajudicial killing. "Instead, we observe a model of continues fails within investigations, destruction of evidences, threatens to witnesses, and concealment of policemen and soldiers that are corrupt and abusive", he said to The New York Times.

<http://www.nytimes.com/es/2016/10/06/a-dos-anos-de-la-desaparicion-de-los-estudiantes-de-ayotzinapa/>

Book of the month



Commissions of investigation and fact-finding missions on Human Rights and International Humanitarian Law: Guidance and practice.

This book resumes experiences of international commissions of investigation and fact-finding missions and of the Office of the United Nations High Commissioner for Human Rights (ACNUDH) that have had supported the past two decades.

These pages take into account the principles, policies, practices and methodology that guide their labor. International commissions for investigation and fact-finding missions currently constitute essential tools to United Nations responses for the situations in which there are violations to Human Rights, to international law and Humanitarian law including international crimes.

Security Council, General Assembly, Human Rights Council, the Secretary General and the United Nations High Commissioner for Human Rights designed them, each time most frequently in order to face the cited violations within an increasing variety of contexts.

http://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice_sp.pdf



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