

NEWSLETTER

MEXICAN NATIONAL HUMAN RIGHTS COMMISSION (CNDH)

NUMBER 211. New EPOCH
SEPTEMBER 2010

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CNDH SUPPORTS PHOTOGRAPHIC CONTEST

For the fifth year running, the Mexican National Human Rights Commission backed the exhibition of the World Press Photo 10 international contest as part of its scheduled activities to disseminate and encourage a culture of respect and defense of fundamental guarantees in Mexico. The duties of the CNDH are not exclusively limited to receiving complaints; they also include fomenting educational activities which help guarantee the civil, political, social, economic and cultural rights of citizens.

Five thousand 847 photographers from 128 countries participated in the 2010 edition of this contest, presenting 101 thousand 960 images. The first prize was awarded to Italian Pietro Masturzo. In all, 62 photographers hailing from 23 different countries received prizes, notable amongst which is Guillermo Arias, a Mexican collaborator for the Associated Press who received an Honorable Mention in the contemporary themes category. The exhibition is made up of 162 photographs which have won in 10 categories. Franz Mayer Museum from the 3rd of September through to the 3rd of October.

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CATEGORIZE CRIMES AGAINST JOURNALISTS AS A FEDERAL OFFENSE

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, considered it necessary for Mexico to possess a legal framework which elevates crimes against journalists to a federal level. Whilst speaking at the grand conference *"Toward a Comprehensive System of Security and Protection for the Exercise of Journalism in Mexico"* within the Faculty of Political and Social Sciences of the Autonomous University of Chihuahua, he expressed the need for introducing clear legislation within criminal law codes in order to assure the journalistic trade that freedom of speech and of the press in Mexico are not subject to any limitation whatsoever.

Raúl Plascencia Villanueva pointed out that it is essential to determine who will be responsible for the so called protection alert for journalists and outlined that immediate aid must be given regarding custody, identity protection together with legal information and aid and institutional support exactly when the communicator is in need of it.

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CNDH PROMOTES DUTIES THROUGH A CONTEST FOR CHILDREN

The Mexican National Human Rights Commission held the Drawing and Painting Contest for Children "Duties are....a Better Mexico" ("Deber-es...un México Mejor"), with the aim of encouraging behaviors and ideas related to the duties of people. The contest seeks to foster actions which make for better social interaction amongst children, based on the fact that all rights are for all, whilst also complying with their duties as citizens.

The CNDH believes that educational and cultural processes are tools which help to recover rules and regulations of social interaction, mutual respect, tolerance and the effective exercise of rights and duties in our country. The National Commission will continue to encourage and sponsor educational and artistic activities for children, given that such actions are a good way to invest in the men and women of the future. The contest's rules and regulations can be found within the announcement published in www.cndh.org.mx.

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CNDH INVESTIGATES THE DEATHS OF TWO PEOPLE IN ESCOBEDO, NUEVO LEÓN

The Mexican National Human Rights Commission began a self-initiated complaint due to the aggressions against two families when they were travelling on board a vehicle in the municipality of Escobedo, Nuevo León. During the events which took place on the night of September the 5th, a father and a fifteen year old boy lost their lives whilst five other people were injured, including two children ages three and seven due to gunshots fired by military personnel. The National Commission sent staff to get in touch with such families in order to provide them with legal advice as well as medical and psychological aid. They also collected testimonies, followed up on the events and requested information from the authorities involved in the case.

According to the National Commission, both Mexican laws and international treaties on human rights require authorities to carry out their public safety duties in accordance with the law and with respect to the fundamental rights to life and physical integrity of all people.

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INCREASED PROTECTION OF MINORS IS REQUIRED

During the presentation of the Inter-American Commission on Human Rights' (CIDH) *Report on Physical Punishment and the Human Rights of Boys, Girls and teenagers*, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, determined that eradicating physical violence and child mistreatment must continue to be an unpostponable responsibility of all sectors and especially of civil society.

He added that “The occurrence of a legislative reform is very important, but it is even more important that we turn what is stipulated within the legal framework into a reality and that we stop being silent witnesses of a reality of adult violence against children”. Because of this, the CNDH has taken on the task of reinforcing all of its institutional programs for the protection and promotion of human rights, particularly those which prevent violence towards children.

The report calls for Latin-American countries to act immediately, adapting their regulations to establish the legal prohibition of physical punishment within the family, at school and in the community at large in order to protect girls and boys.

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FOLLOW-UP OF RECOMMENDATION 7 / 2009

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, received and talked with members of the Mediation Commission (Comed) about the follow up of Recommendation 7/2009 relating to the disappearance of Edmundo Reyes Amaya and Gabriel Alberto Cruz Sánchez, militants of the People's Democratic Revolutionary Party – People's Revolutionary Army (EPR) in 2007.

Juan de Dios Hernández Monge, Jorge Fernández, Enrique González Ruiz, Gilberto López y Rivas, Pablo Romo and Miguel Ángel Granados Chapa who are members of such commission, expressed their concern about the fact that the aforementioned Recommendation has not been carried out in its entirety.

The Mexican National Human Rights Commission assured that it will continue to follow up on its Recommendation and will monitor the authorities' response.

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40 % OF SCHOOL KIDS ARE VICTIMS OF BULLYING

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, pointed out the need for joining efforts and developing new strategies in order to prevent and eradicate the phenomenon of harassment at school, known as bullying. Given the increased number of these acts of physical and emotional violence, he considered the reinforcement of legal mechanisms to be a necessary measure in order to combat this antisocial behavior and remind people that it is not right.

When he inaugurated the *Forum for an education without Bullying*, Plascencia Villanueva declared that 40% of elementary and secondary school kids are subject to such offences in both public and private institutions. He announced that there is a new variation of this phenomenon known as *cyberbullying*, in which some people intend to harm, change and damage the image of minors through websites included within social networks. He therefore called upon society and government to join efforts in order to add human rights to the common agenda and turn the country we have been longing for during 200 years into a reality.

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UNITY FOR THE DEFENSE OF HUMAN RIGHTS

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, asked that the country's Ombudsmen work together in the defense of the human rights consecrated by our Constitution and our laws when he inaugurated the XXXIII National Congress of the *Mexican Federation of Public Human Rights Institutions (FEMOPDH)*. He also stated that the fragility of the country's current state should bring them closer together than ever and encourage them to unselfishly help with solving the most important national issues regarding human rights.

He emphasized that society sees such institutions as an ally in the defense and protection of its rights and that they must continue to strengthen their communication and collaboration with society at large. Whilst speaking before the 32 state Ombudsmen, he reminded them that human rights have become a benchmark of democracy and the State of Law, but they require a permanent commitment and the execution of specific actions by the country's legal and political actors.

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AGREEMENT IN FAVOR OF MIGRANTS

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, and Thomas L. Weiss, head of the International Organization for Migration's (IOM) office in Mexico, signed a Collaboration Agreement with the goal of joining their efforts in order to clearly identify what is happening and come up with solutions to keep events such as the massacre of 72 migrants in Tamaulipas from happening again. The National Ombudsman underlined that an efficient migrant protection policy calls for close collaboration between civil society, institutions, government bodies and international organizations.

During the event, he said that a comprehensive State policy which is truly put into practice is needed in order to find solutions. He also said that Mexico must analyze and undertake actions not from the point of view of an expulsive country, but rather as a nation which faces the consequences of being a place through which migrations from various parts of the world pass by.

The IOM was created in 1951, it has 127 member states and its headquarters are located in Genève, Switzerland.

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CNDH INVESTIGATES AN OPERATIVE IN CHAHUITES, OAXACA

The Mexican National Human Rights Commission began a complaint file due to alleged human rights violations in order to investigate events which took place on Thursday the 9th of September of this year in the municipality of Chahuities, Oaxaca, during an operative to apprehend migrants. The event, which allegedly included the participation of federal public safety personnel, resulted in the detention of 140 migrants, including minors and women. CNDH staff went to the Tapachula migration station, interviewed the detained migrants and gathered evidence for the assembly of the complaint.

The offended stated that during the operative many of them jumped from the train whilst others injured themselves when crossing through barbed wire in neighboring plots of land and fields, in addition to being victims of theft and extortion committed by men in uniform. The CNDH finds the fact that members of the National Migratory Institute (INM) are able to place the lives and physical and psychological integrity of migrants at risk disturbing. Furthermore, this autonomous public Organization asked various authorities for information on the case, including the INM, in order to issue the lawful resolution at a later time.

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CNDH WILL LOOK INTO THE CASE OF DISPLACED PEOPLE IN TABASCO

The Mexican National Human Rights Commission began an investigation due to the case of more than 15 thousand families from 57 communities in Tabasco who suffer floods and evictions. Raúl Plascencia Villanueva, the president of the CNDH, welcomed commissioners from communal lands and representatives of displaced indigenous people and farmers who were accompanied by Senator Arturo Núñez and local legislators.

The plaintiffs said that the civil servants of the state and of the National Water Commission told them that the dam would overflow and that they needed to abandon their dwellings; they declared that some of them have been forced through the use of public force to abandon their

homes only to find them in ruins when they return; they noted that the only compensation received by some is a 45 square meter house which does not even have a kitchen, within a housing complex called “Bicentennial” (Bicentenario). They also said that, with the excuse of working on the water supply system to avoid a possible flood in Villahermosa, the path of the water which is flooding plots of land and crops in neighboring communities has been diverted. Because of this, children have stopped going to school.

The National Ombudsman gave orders to dispatch a team of visitors with the objective of providing support and gathering necessary information. He asked that the evidence presented by the people from Tabasco be examined and that the case be monitored closely to aid the victims and identify violations of their human rights.

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THE NUMBER OF MURDERED JOURNALISTS REACHES 65

The Mexican National Human Rights Commission noted that with the murder of Luis Carlos Santiago, graphic reporter of the Diario de Ciudad Juárez, the number of journalists murdered as and from the year 2000 until today totaled 65. The National Commission asks that the authorities investigate and clarify the attack which resulted in the death of the communicator and the serious injury of his partner, Carlos Sánchez and urges them to act in order to prevent events of this kind. In addition to the aforementioned murders, 12 journalists have gone missing and 16 attacks against media facilities have occurred in our country since 2005.

There is no valid excuse for attempting to limit the work of communicators, therefore, the CNDH urges the three levels of government to urgently execute actions which guarantee the exercise of journalism and allow us to find those responsible for the attacks so that they can be brought to justice. The National Commission is working with groups of communicators in an attempt to find mechanisms which strengthen the protection of their work; it is fostering the culture of denouncement and is currently creating guides for the implementation of precautionary measures for communicators.

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EDUCATING IN ORDER TO PREVENT HUMAN TRAFFICKING

The CNDH declared that, so far this year, it has carried out educational activities aimed at 12 thousand 329 state, municipal and federal civil servants and at one thousand 664 leaders of organized civil society and educational institutions in order to combat and eradicate the crime of human trafficking, specially related to the migration phenomenon. The National Commission is also advising legislators from different states of the Republic in an effort to adapt laws to serve as precautionary measures for such crime.

The CNDH's strategy is to host forums, conferences and workshops so that these same civil servants may educate other people, thus having an exponential effect on the observance of human rights and crime prevention. In the eyes of the National Commission, migrants are part of a very vulnerable group. Thus, it is strengthening its teamwork with various organizations which provide foreigners with assistance, protection and legal counseling. The goal is to eradicate human rights violations and consolidate a State of Law by educating and rising awareness amongst authorities.

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RESPECTING PEOPLE WITH HIV AIDS: CNDH

The Mexican National Human Rights Commission emphasized that the health condition of people with HIV (Human Immunodeficiency Virus) or AIDS (Acquired Immune Deficiency Syndrome) must not be a reason for stigmatization. The CNDH recognizes the important improvements achieved by organized civil society, in conjunction with government bodies and state commissions for the protection and defense of human rights in favor of these people.

It declared that 57.06% of the complaints received by the CNDH relating to HIV are against the Mexican Social Security Institute (IMSS), an institution which has been the recipient of 11 of the 27 Recommendations which the National Commission has issued on the subject. Additionally, 12.47% of the complaints involve the Institute of Social Security and Services for State Employees (ISSSTE) and 4.7% mention the Secretariat of Public Health. The National Commission has detected that 28.37% of the accusations received are in response to having been denied or given inadequate public health service; 14.39% have to do with violations to human rights of patients and 5.64% are because of having been denied medical attention as a result of being HIV positive. The entities with the most number of complaints are the Federal District and the states of Mexico, Jalisco, Nuevo León and Veracruz.

CGCP/239/10

CNDH PROMOTES THE RIGHTS OF INDIGENOUS COMMUNITIES

Through its Fourth General Visitor, Teresa Paniagua Jiménez, the Mexican National Human Rights Commission expressed the urgent need for creating public policies for defending and promoting the human rights of indigenous people and communities. She reiterated that what is needed is the legislative development of such constitutional dispositions given that there are insufficient secondary regulations on the subject of indigenous rights and culture as there exist only two specific federal laws. This was said during her participation in the Forum called *Human Rights and Indigenous People, 200 years of Independence*, held within the facilities of the Faculty of Social Sciences and Humanities of the University of Guadalajara.

Paniagua Jiménez asked the Forum's participants to focus more seriously on the defense, encouragement, observance and attention of indigenous people's human rights in general in order to turn theoretical knowledge into real and effective tools which improve their living conditions.

CGCP/240/10

CNDH INVESTIGATES A COMPLAINT FILED BY HONDURANS

The Mexican National Human Rights Commission began a self-initiated complaint file to investigate the events which occurred on the 19th of September of this year, during which two staff members and an employee of the Honduran diplomatic office located in Veracruz, Veracruz were allegedly attacked. CNDH staff interviewed the three individuals, all of them Honduran nationals, in order to gather evidence for investigating the events.

Whilst giving their testimonies, they said they were victims of verbal and physical violence, theft and deprivation of freedom. Furthermore, the CNDH asked the Federal Government for precautionary measures to guarantee their safety, as they have expressed a concern for their physical integrity. The Commission is investigating the alleged human rights violations of this case and will issue the corresponding resolutions when appropriate.

CGCP/241/10

NATIONS ARE OBLIGED TO PROTECT HUMAN RIGHTS

During the inauguration of the IX Ordinary General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the American Continent (INDH), Raúl Plascencia Villanueva, the president of the Mexican National Human Rights Commission, said it is necessary to encourage nations to effectively comply with their obligation to protect the human rights of all social groups.

Along these lines, whilst speaking before human rights defenders and experts on the subject, the Mexican Ombudsman explained that the cooperation must focus on the general definition of the elements which constitute the crime, its classification and applicable sanctions; it must also include an effective legislative harmonization of the national legal system in accordance with international treaties.

He requested that an adequate environment be provided for girls and boys to guarantee their physical and psychological development based on the principles of peace, harmony and unrestricted respect for their human rights. The CNDH's president warned that "Human trafficking has a global dimension in which thousands of people, most of whom are girls, boys and women, are affected by this lacerating crime". He therefore reiterated the need for strengthening the teamwork and communication ties between Countries in order to face delinquency head-on. He also deemed the encouragement of the culture of legality, rights and peoples' duties a necessity.

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COMBATING HUMAN TRAFFICKING IS EVERYONE'S RESPONSIBILITY

The CNDH underlines that, as the International Day against Sexual Exploitation and Human Trafficking is commemorated today and nearly three years have passed since the approval of the Law against Human Trafficking, the number of people sentenced due to such crime is still very low and the number of federative entities which have passed a specific law on the subject is equally scarce.

The National Commission provides legislators of local congresses with technical support in order to encourage the legislative harmonization with international treaties and ensure that laws on the subject see things from a human rights point of view. The CNDH considers it convenient for state congresses to legislate against this crime, adopting laws which effectively persecute and punish those responsible, contemplate ways of protecting and helping victims, preventing the crime and offering compensation and restorative justice.

The call for protecting the population from Human Trafficking applies to all of society and the media in order to help promote the culture of denunciation and responsibility, remembering that the protection and defense of human rights is a commitment we must all make.

RECOMMENDATIONS

Below is a summary of the Recommendations issued by CNDH during September 2010. The complete version can be found on the institution's website:

<http://www.cndh.org.mx/cartnews/cartnws.htm>

RECOMMENDATION 48 / 2010

Mexico City, September 14th, 2010

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES' (ISSSTE) GENERAL HOSPITAL IN TOLUCA TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE:

GENERAL DIRECTOR OF THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES

On the 18th of September 2008, V1, a 56 year old woman, began feeling sick whilst she was at home according to Q1. The symptoms she presented were influenza-like, fever, high blood pressure, intense headache and difficulty breathing, thus motivating her son to take her to the Institute of Social Security and Services for State Employees' General Hospital of Toluca in Metepec, within the state of Mexico. When she entered such hospital through the emergencies area, AR1, the medic who attended her, did not evaluate her properly and delegated her revision to a nurse who only took her blood pressure. As a result of her high blood pressure, she was given some kind of medicine to stabilize it and after approximately twenty minutes she was also given paracetamol, finally being diagnosed with a stomach infection and instructed to go home.

Subsequently, on September the 20th 2008 V1 was still feeling sick, prompting her relatives to take her to the emergency services of the Adolfo López Mateos Medical Center, a dependency of the Secretariat of Public Health of the state of Mexico, where she was interned. Her difficulty breathing was a result of her lungs collapsing and she therefore had to be sedated and connected to a medical ventilator; she was given medicines and oxygen at 100%; however, in spite of the treatment provided, the diagnosis was not encouraging; she was diagnosed with pneumonia as a result of the inadequate medical aid given to her days before at the ISSSTE's General Hospital in Toluca. She remained at the Medical Center for 20 days until she passed away on the 9th of October 2008.

From the logical-legal analysis performed on the entirety of the evidence which makes up the file initiated in response to the complaint lodged by Q1, the National Commission was able to gather sufficient proof to confirm the violation of the human right to health and to life to the detriment of V1, attributable to medical staff of the ISSSTE's General Hospital in Toluca.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **RECOMMENDATIONS**:

FIRST. Instruct whomever it may concern so that the necessary steps are taken to pay compensation to the relatives of V1, or whoever is better entitled to receive it, due to the institutional responsibility incurred upon by AR1, in light of the considerations set forth in the body of the current recommendation. Proof of compliance must be sent to the National Commission.

SECOND. Issue instructions to whomever is responsible so that in the hospitals pertaining to the Institute which you preside over, and specially at the General Hospital in Toluca, comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) regarding health are developed and carried out. The goal of this is to ensure that the public service which is provided by doctors as well as nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed in performing their functions, guaranteeing that intervention protocols are applied precisely and thereby avoiding actions such as those that led to the present declaration. Proof of compliance should be sent to the National Commission.

THIRD. Cooperate fully with the Mexican National Human Rights Commission in the presentation and processing of the complaint presented before the Institute's Internal Control Body against AR1, sending proof of compliance to the Commission as required.

FOURTH. Duly cooperate in investigations arising from the complaint, which the Mexican National Human Rights Commission presents before the Attorney General's Office in light of these events, as the case involves a federal public servant. Submit to the Commission proof of compliance as required.

GENERAL RECOMMENDATION 18 / 2010

Mexico City, September 21st, 2010

SUBJECT: ABOUT THE CURRENT STATE OF THE HUMAN RIGHTS OF INMATES HELD WITHIN PENITENTIARIES LOCATED IN THE REPUBLIC OF MEXICO

AUTHORITY RESPONSIBLE:

FEDERAL SECRETARY OF PUBLIC SAFETY

FEDERAL SECRETARY OF PUBLIC HEALTH

FEDERAL PUBLIC EDUCATION SECRETARY

STATE GOVERNORS AND MAYOR OF THE FEDERAL DISTRICT

In accordance with what is established by article 6, section X!! of the Mexican National Human Rights Commission Law, this organization has the power to supervise the respect of human rights within the country's penitentiary and social re-adaptation system.

Four general recommendations have been issued on the subject as a result of this authority, these are: number 1, derived from the execution of undignified body searches of the people who visit state and federal imprisonment centers, issued on the 19th of June 2001; number 3, about women held within detention facilities, dated 14th of February 2002; number 9, about the state of the human rights of inmates with mental problems who are held in detention centers, from the 19th of October 2004 and number 11, about giving inmates an anticipated release, issued on the 25th of January 2006.

The aforementioned general recommendations compliment a series of permanent actions in favor of the protection and respect for the fundamental rights of the inmates of the country's penitentiaries. Processing complaints lodged by inmates, their relatives or their representatives, the issuance of specific recommendations, the creation of special reports, visits by the National Mechanism for the Prevention of Torture and the **National Diagnosis of Penitentiary Supervision (DNSP)** are some of these actions.

The DNSP's results show that the national penitentiary system has serious structural problems, as the vast majority of imprisonment centers do not meet the requirements needed to comply with what is established by the 18th article of the constitution, this is to say they can sustain their organization on the basis of the inmates' work, training and education as means of achieving the social re-adaptation of a criminal.

Therefore, the National Commission issues the present general recommendation with the goal of modifying the current condition of imprisonment centers to help develop a penitentiary strategy which combines public safety, the objective of the punishment and the respect for the fundamental rights of the inmate.

As of December 2009, the penitentiary system consisted of 431 centers, out of which 322 depended on state governments, 92 on municipal authorities, 10 on the Government of the Federal District and 7 on the Federal Government (annex 1).

It is important to clarify that as the penitentiaries of each group have different characteristics, they have specific problems. With this in mind, the area of study of the DNSP is limited to 251 prisons dependant on the 31 state governments and the Federal District.

During the last four years, the Mexican National Human Rights Commission has coordinated the making of the DNSP, during which period the 32 Local Commissions for the Protection of Human Rights performed 937 supervisions amongst the country's imprisonment centers, complying with the National Guide for Penitentiary Supervision.

The DNSP's results are obtained from the evaluations performed by: the director of the prison, the assistant visitors in charge of the supervision and the inmates themselves on seven fundamental rights as well as on the 56 indicators which are a part of this diagnosis. These rights are: a) those related to the legal status of the inmates; b) those which guarantee a dignified and safe stay in prison; c) their physical and moral integrity, d) the development of productive and educational activities; e) the social ties of an inmate; f) preservation of order; g) the application of sanctions; and, h) the human rights of special groups within penitentiary institutions.

Based on the information contained within the DNSP, one can observe the following:

Imprisonment center facilities which do not meet inhabitability criteria are found in the states of Baja California, Baja California Sur, Campeche, Chiapas, Colima, Federal District, Estado de México, Guerrero, Hidalgo, Morelos, Nayarit, Nuevo León, Oaxaca, Quintana Roo, San Luis Potosí, Sinaloa, Tabasco and Yucatán.

34% of the guards have not undergone training in the last 12 months on subjects such as rational use of force, conflict management and penitentiary techniques and tactics. Regarding the technical staff, there are deficiencies in the operation of the Interdisciplinary Technical Council within the states of Baja California Sur, Campeche, Federal District, Durango, Guerrero, Hidalgo, Morelos, Oaxaca, Quintana Roo, Sinaloa, Tabasco and Yucatán. This is mainly due to insufficient personnel; social workers, psychologists, professors for workshops, medical, psychiatric and nursing staff, as well as a deficient medical attention, lack of medical supplies and an inadequate assembly of medical histories. It is therefore obvious that the people held within most of the detention centers do not receive medical services in a timely and ideal fashion; they do not receive a professional and ethically responsible attention, nor are they treated respectfully and dignifiedly by professionals, technicians and assistants.

Overpopulation: The total number of inmates in the country as of December 31st 2009 was 224,740; however, at the time, the 431 existing prisons had been equipped to house 173,060, resulting in an overpopulation of 51,689 inmates representing 29.86%. This affects the quality of life of the inmates; it keeps them from having access to work opportunities, training, education, medical and psychological attention and social work, which are essential for their social re-adaptation. Moreover, this deficiency is incompatible with respect for human dignity and it fosters self-governance (defined as the lack of authority within a prison when groups of inmates control a large part of the population).

Alternative forms of justice have yet to be implemented; in reality, there is a backlog in the processing of judicial proceedings which results in the excessive prolongation of preventive detentions.

The DNSP shows a deficiency in the process of approving anticipated releases in the states of Baja California Sur, Campeche, Chiapas, Federal District, Durango, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Tabasco and Yucatán. It is caused by the fact that those sentenced do not possess the necessary information about the steps to follow and how to apply for it; it is also due to excessive delays in its approval, because of being awarded at someone's discretion and even due to deficiencies in its regulation. This leads to the violation of the rights to petition, legality and legal certainty as well as to social re-adaptation. The lack of a timely review of the cases eligible to receive one of the benefits of anticipated release leads to a reduction in the number of benefitted inmates.

In spite of its importance, up until now, only Chihuahua, Durango, Guanajuato, Estado de México, Morelos, Oaxaca, Puebla and Sinaloa have designated the figure of a *juez de ejecucion*¹ in their legislation as the person responsible for controlling the legality of criminal sanctions and the adequate compliance of the penitentiary regime; however, they are not yet operating in Durango, Guanajuato, Oaxaca, Puebla and Sinaloa.

Most of the facilities of the penitentiary system do not meet the requirements needed to comply with the obligations of the State regarding work, training and education which are crucial for social re-adaptation.

The DNSP shows that sorting is either inexistent or is performed inadequately within the imprisonment centers of Baja California, Baja California Sur, Campeche, Chiapas, Colima, Federal District, Durango, Estado de México, Guerrero, Hidalgo, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Querétaro, Quintana Roo, Sinaloa, Sonora, Tabasco, Tamaulipas, Yucatán and Zacatecas.

Based on the DNSP's results, it is possible to note the existence of a disarticulation within the penitentiary system, a condition which has impeded the establishment of a public policy applicable to all which establishes the guidelines to follow regarding the treatment, housing conditions and safety which must prevail within all prisons, thus complying with the responsibility to socially readapt the inmates.

Additionally, a disarticulation of the Penitentiary System can be observed due to the existence of substantial structural differences between facilities regarding infrastructure, services and staff. A lack of standardization in the regulations which govern the imprisonment centers places the inmates in a state of legal uncertainty and fosters the presence of other irregularities within the establishments such as an abuse in the execution of disciplinary measures. Furthermore, prisons house inmates from different legal categories, making it impossible to guarantee a safe and dignified stay for those who have been deprived of their freedom given that for order and discipline to be maintained within a detention centers it is essential that inmates from different legal categories are completely separated.

There is a lack of coordination between the penitentiary and public safety systems and a lack of ties between public policies for social re-adaptation and public policies for public safety, causing prisons to be used as places for containing criminals.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **RECOMMENDATIONS**:

To you, the Federal Secretary of Public Safety

FIRST: Encourage the state governments and the government of the Federal District to adopt measures so that the appropriate laws for the execution of criminal sanctions and the internal regulations which must govern the prisons under your command contemplate what is stipulated within the Political Constitution in order to guarantee a safe and dignified stay for inmates based on respect for human rights. They must also contemplate the international treaties mentioned in the body of the current recommendation, as they have been signed in accordance with the constitution and they are a part of Mexican positive law.

SECOND: Promote the approval of a federal law for the execution of criminal sanctions before the H. Congress of the Union, establishing the adoption of the social reinsertion regime, the modification and duration of the punishments, contained within the reforms to articles 18, second paragraph and 21, third paragraph, of the Political Constitution of the United Mexican States. This is with the aim of guaranteeing respect for the inmates' human rights to legality and legal certainty and help greatly with their social reinsertion.

¹ As per the Federal Code for Executing Sentences, a *juez de ejecución* is the person in charge of verifying that all convictions are carried out under his strict supervision and of making sure that all of the decisions pertaining to the conviction are executed whilst confirming that all of the corresponding regulations are complied with. Furthermore, a *juez de ejecución* is in charge of ensuring the adequate compliance of the penitentiary regime and guaranteeing respect for the rights of any person who is deprived of his or her freedom for any reason.

To you, the Federal Secretary of Public Health

FIRST: Encourage and support actions on general health governed by state governments and the government of the Federal District, as well as complying with the official Mexican Norms on health matters in order to guarantee the right to health protection of the men and women who have been deprived of their freedom within the imprisonment facilities that depend on state authorities and the authorities of the Federal District. All of the above is in accordance with the authority granted by article 13, paragraph A, section IV of the General Health Law.

SECOND: Perform the necessary actions to guarantee that the same health promotion and prevention campaigns given to the general population are given within the prisons which depend on state authorities and on the authorities of the Federal District.

To you, the Federal Public Education Secretary

FIRST AND LAST: Encourage and support educational actions within the Federal District, as well as those which depend on the governments of the federative entities in order to guarantee the right to education of the men and women who have been deprived of their freedom within the imprisonment facilities that depend on state authorities and the authorities of the Federal District, with the same conditions as the rest of the population. All of the above is based on article 3 of the General Education Law.

To you, madam governor, governors and mayor of the Federal District

FIRST: Institute comprehensive public policies on penitentiary matters which ensure a dignified and safe stay for all inmates within the detention centers under your command, based on the availability of sufficient space to house them, as well as of an infrastructure which allows for the separation between legal categories, in accordance with what is established by article 18 of the Political Constitution of the United Mexican States.

SECOND: In order to keep prisons from being used as places of containment, you must institute comprehensive public policies which guarantee the inmates' right to social re-adaptation described in article 18, second paragraph of the Political Constitution of the United Mexican States, for which purpose you must provide them with adequate work, training and education services.

THIRD: Supply penitentiary facilities with the specialized technical, administrative and professional staff needed to provide the services mentioned throughout these recommendations, as well as to adequately sort inmates, maintain order, discipline and control over each and every one of the activities carried out within detention centers.

FOURTH: Because of the failure to comply with the first section of general recommendation number 3, which refers to the deficiencies regarding the treatment, facilities and services faced by the women held within prisons, you should issue instructions to the authorities responsible for the organization and operation of the detention centers under your command so that they take the necessary steps to ensure that female inmates are treated with respect for their dignity and their condition as females, also attending to the health needs of their gender.

FIFTH: Promote the initiatives needed to implement the constitutional reform on safety and justice before the appropriate local congresses, specifically regarding the new social reinsertion system which includes the figure of a *juez de ejecucion*, alternative ways of solving controversies and oral trials in accordance with what is established by the reform to article 18 of the constitution.

SIXTH: Adopt the necessary controls so that the guarantees of the legal due process of the internal regime for sanction enforcement are safeguarded within the prisons under your command.

SEVENTH: Foster the exchange, registration, systematization and consultation of information on public safety in accordance with section VII of article 31 of the General Law of the National Public Safety System, through the National Conference of the Penitentiary System.

EIGHT: Push for the reforms needed in order for nationwide penitentiary regulations to include what is established by the Constitution, as well as by international treaties on human rights, through the members of the National Conference of Public Safety and Penitentiary System Secretaries. This aims to provide us with a uniform legal framework which ensures the respect for

the fundamental rights of male and female inmates. All of the above is in accordance with what is contained within articles 29 and 30 of the General Law of the National Public Safety System.

NINTH: Establish standardized criteria for remodeling and building imprisonment facilities in an attempt to eradicate the structural differences between these compounds to balance the distribution of the inmate population and facilitate the application of the legal framework once it has been homologated.

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