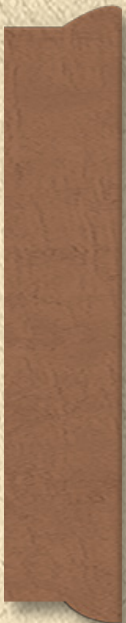




Newsletter





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Remarks made by Luis Raúl González Pérez, President of the National Commission of Human Rights, on the public hearing organized by the Political Coordination Board of the Chamber of Representatives of the 64th Legislature regarding the constitutional reform on the National Guard.

Mexico City, January 10, 2019

We cannot put the direct guarantee of rights inside our constitutional system, nor in military bodies or structures. The Ministry of National Defense cannot become directly or indirectly the body that investigate, prosecute and prevent the crimes committed by civilians neither can be the axis from which social coexistence of our country develops. The separation and respect between civil and military bodies have been a relevant part of the rise and democratic consolidation of Mexico, and therefore has allowed the alternation of power. The primacy of the civilian over the military is an unavoidable and necessary condition to preserve a liberal State and to guarantee that our democratic system is not conditioned or threatened by political interests or by any military structures, or corrupted by the threat of the use of force.

The CNDH comes to these public hearings with different additional concerns, besides the weakening of the civil institutionality. It draws the attention that in parallel to these hearings that have had a wide diffusion, the process of recruitment of the National Guard has already begun, at least in the media. In addition, in the expenditures Budget, there have been incorporated resources for its operation, for that it can be assumed that despite what is discussed here, we are before a decision already taken.

The credibility and public perception about the autonomy and independence of this legislature would be weakened if these hearings end repeating the simulation on the approval of the Interior Security Law, through the last

legislature. In that occasion, the convening of experts, scholars, civic organizations and national and international human rights bodies was a mere formality that tried to legitimate political decisions previously defined.

We also feel the absence of victims in the hearings, not only of those who have been victims of a crime but also of those who have suffered the abuse of power, that have seen their rights violated, in many times by members of the armed forces who have not fulfilled their duty.

We cannot repeat the mistakes made on the past. Beyond official statements or positions, in the last days the violent reality of different states like Oaxaca, Guerrero, Chihuahua or Guanajuato, as well as the uncertainty of facts like the gas shortage whose origin comes from the fight to criminality, have reaffirmed the need of acting on such issues with urgency, relevance, opportunity, responsibility and transparency. They all have to be assumed as national priorities, giving attention to all the actors involved.

There are no acceptable numbers or ratings for executions, killings, torture or disappearances. There are no crimes more or less acceptable or justified. Data reveal our truth, our reality that we cannot ignore or change by statements denying or disregarding them or creating opacity on the mechanisms that record them. We have strongly rejected the imposing of "historic truths"; let us not enter an era of "official truths". We need to recognize the objective evidence and information to be able to act effectively upon it. This requires a joint

work, in which simulation, nor do polarized or dogmatic positions have place. Our filter and parameter is reality.

Although we are many who are convinced that the participation of the armed forces on security tasks is not desirable, neither we cannot disregard that at this time it is not feasible its withdrawal. However, such issue cannot justify pretending to make that presence the basic solution to the problem we face, and to try to perpetuate it.

The proposed reconsideration about the characteristics and functions of the National Guard represents a partial, incomplete and biased answer to the violence and insecurity we face, with a temporary and short-term vision. It generates the risk of violating human rights, it does not guarantee in any way nor substantively contributes to the ending of impunity, it weakens our civil and democratic institutionality; besides, it contravenes judgments, principles, recommendations, and criteria made by international human rights bodies that our country has to comply.

If this reform were approved, such obligations would be ignored and would not be fulfilled. The above will begin a breakup of Mexico with the international human rights protection and defense systems, a consequence that this chamber must consider and measure. In any case, as a preventive step, the Mexican State could ask the Inter-American Court of Human Rights an advisory opinion about the compatibility of an institution like the National Guard in line with the Ibero-American scheme on human rights.



Furthermore, we warn with concern that the different proposed normative reforms on security and justice have been treated in an isolated and partial way, as if they are independent topics. With this you are putting aside the complete, multidisciplinary and multidimensional needed vision that would require the review of the corresponding state policies. The issue of the National Guard, the widening of the catalog of crimes subject to mandatory pretrial detention, the increase or decrease of budgets to bodies like the SEDENA or the General Prosecutor's Office are not self-determining topics.

They are parts of a whole thing, which need to be reviewed in an objective, complete and responsible way. You must analyze them along with topics such as the duly formation and training of police, the financial intelligence and patrimony probe and the ending of corruption. You also need to consider the poli-

tics against arms trafficking, the review of our penitentiary system, the modernization of our intelligence systems, the reconsideration of our drugs production and consumption policies, as well as the preventive character emphasis on drugs public policies.

We insist on the need of having 33 autonomous prosecutors with resources, capabilities and real and effective operation possibilities. It is not only about the heads' profile, but proper normative and operational frameworks are also required. Even if the police is well trained, little or nothing will help to end impunity if crimes are not investigated and the legal causes are not duly supported. On this task, the external mechanisms of citizen supervision are called to play a decisive role.

The constitutional bill reform does not incorporate objective elements nor evidence that support its own sense. There is no

methodology that could back up the information that substantiates the bill, nor a record of the one considered relevant for it. In particular, it is clear the omission about objective evidence that would be relevant, like the number of recommendations for human rights violations issued against the Ministry of National Defense and the Ministry of the Navy, some of them for grave violations, acts that generally are not duly investigated by authorities and the imposed penalties do not often correspond to the seriousness of those acts.

The proposal does not establish any guarantee mechanism in order to prevent members of the armed forces who were involved in human rights violations to be part of the National Guard, nor that their practices would not be preserved, transmitted or repeated in such guard.

Among several points that the bill does not answer, I want to highlight the fact that it is not

clear how and when we will develop civil police, without military characteristics. Another unclear situation is which will be the destination and role of police currently operating. The National Guard as planned does not guarantee justice; in any case, it will be a deterrent or restraint with limited and short-term effects. With it we are constructing a route to militarize areas until now within civil institutions, but it is not clearly established a route in the other direction. The nature and hybrid characteristics of the guard, more than giving certainty, will create confusion and will open vulnerability spaces for its integration and operation.

We should directly undertake the development of a framework that sustains and fits in the best possible way the temporary and extraordinary duties of the armed forces on security tasks, providing certainty to both military members and society in a framework of respect to human rights and accountability. If the bill comes from the need of addressing an exceptional situation of violence and insecurity that endangers society, why choosing such a constitutional reform and keep putting aside the pending regulation of Article 29 of the constitution which would limit those exceptional conditions and would necessarily should be carried out according to international standards?

We propose the establishment of an specialized analysis group or panel that review the objective and concrete evidence, whose opinions provide elements to build a scheme of public security, in which accepting and recognizing the temporary need of the participation of the armed forces on public security, foresees a route to correct deficiencies, as well as for the development and strengthening of police and civil institutions, in the federal, local and municipal levels in order to make them responsible of public security considering a plan for the gradual and verifiable return of the armed forces to their proper tasks. Eventually, this strategy might imply the creation and consolidation of an intermediate civil security force with discipline and specialized training that would be an element that helps the transition process between the direct military intervention and the recovering of the natural tasks of civil police.

It is clear that in the time fixed for each intervention, is not possible to present a detailed technical analysis of the proposed constitutional reform before you, therefore, I present a supported legal document where such ideas are clearly detailed.

Thank you very much.

The national Ombudsperson highlights the need of having more and better security in line with a democratic State, and asks not to quit on civil and democratic institutionalism

DGC/029/19
January 23, 2019

Luis Raúl González Pérez presented the 2018 Activities Report before the Permanent Commission of Congress that spearheads Deputy Porfirio Muñoz Ledo. He said that broadening the influence sphere of the armed forces to public security is a risky bet for democracy and civil institutionalism. He added as a risk for national security, the fact that they undertake tasks of real estate developers, public constructors and the possibility that they acquire goods and hire services under the sheet of secrecy and limited transparency.

The most common authorities aimed as responsible for human rights violations were: IMSS, ISSSTE, SEP, INM, SEDENA, PGR, Federal Police, SEDESOL, SEMAR and Infonavit.

The alleged violations with more impact were 25 for life privation; 39, for enforced disappearance; 57, for torture; 255, for cruel, inhuman or degrading treatments; 2, for summary execution; 318, for arbitrary detention. It is worrying the cases of enforced disappearance rising nearly 180%, from 14 in 2017 to 39 in 2018, whereas those of torture rose from 50 to 57

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_029.pdf



THE CNDH CONDEMNS THE MURDER OF THE DEFENDER SINAR CORZO IN ARRIAGA, CHIAPAS, AND CALLS ON AUTHORITIES OF THAT STATE TO CLARIFY THE CRIME AND PROSECUTE THOSE RESPONSIBLE

DGC/004/19

January 4, 2019

The National Commission of Human Rights (CNDH), regarding the information at hand, condemns the murder of the human rights defender, Sinar Corzo, last night in Arriaga, Chiapas, when armed men on a motorcycle shot him near his house.

This national body asked the government and the prosecutor of Chiapas to implement precautionary measures to protect the family of the defender and those of the organization El Coloso de

Piedra, to which he was part of, and to investigate the crime according to his work. Likewise, it issued the recommendation 18/2015 to the governor of Chiapas and to the members of the Municipality of Arriaga, for human rights violations against the defender.

According to the data of this national body, 41 human rights defenders have been assassinated in the country since 2006.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_004.pdf



THE CNDH PRESENTS BEFORE AMBASSADORS AND CONSULS THE RECOMMENDATION REGARDING THE IGUALA CASE, AS A RESULT OF A MULTIDISCIPLINARY, COMPREHENSIVE, COMPLETE AND SCIENTIFIC PROBE, WHICH IS THE NEAREST APPROACH TO THE TRUTH

DGC/012/19

January 11, 2019

The National Commission of Human Rights (CNDH) presented before the diplomatic corps of our country the recommendation 15VG/2018 regarding the facts that took place on September 26 and 27, 2014 in Iguala, Guerrero, related to the disappearances of 43 students, which represents the nearest approach to the truth nowadays. This should be consid-

ered in the current crime probes, as well as to guide any effort aimed to continue with the probe.

Luis Raúl González Pérez, participated in the work table "Case Iguala: The 43 disappeared students in Ayotzinapa", in the frame of the 30th Annual Meeting of Ambassadors and Consuls, in which he was joined by María Martínez Zeferino, mother of Miguel Ángel Hernández Martínez, disappeared student from the Ayotzinapa Rural Teachers' Col-

lege "Raúl Isidro Burgos". This case is the most complex of the last years on the administration of justice and respect to human rights, and the most representative of the reality we face on these areas.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_012.pdf



IT IS NECESSARY TO GUARANTEE THE RIGHT OF THE INDIGENOUS POPULATION TO GET QUALITY ATTENTION IN THEIR LANGUAGE ON INSTITUTIONS, PROGRAMS AND SERVICES IN A CROSSCUTTING WAY, THE CNDH SAID

DGC/021/19

January 18, 2019

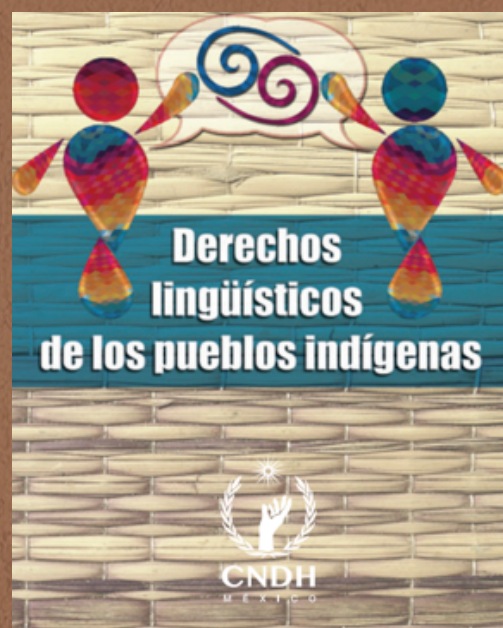
The National Commission of Human Rights (CNDH) stresses the need of guaranteeing the rights of indigenous language population, to get quality attention, to have access to institutions, programs and services in a crosscutting way in order to improve the quality life of peoples and communities and to respect their identity.

For this autonomous body, the full recognition of this right is urgent and essential on three fundamental points. First, on processes before institutions on the administration of justice, in order to avoid that the language barrier hinders a correct defense and access to justice. Second, on education spaces to guarantee access to a bilingual and intercultural education by ensuring the respect of their dignity and identity. Finally, on the health system so the medical personnel provides advice on the patients' language, and at the same time to have a clear view of diseases and to precise the necessary treatment, so they can recover their health.

The National Commission of Human Rights considers that indigenous languages are the essence of the continuity for the survival and well-being of the culture of the indigenous peoples, from one generation to the other, because among other things, they promote sustainable development, specifically Goal 4 of the 2030 Agenda, that states: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all".

In this sense, in the frame of the International Year of Indigenous Languages proclaimed by the General Assembly of the United Nations based on resolution A/71/481, the CNDH underlines that indigenous languages and Spanish are national languages. For that reason, they have the same value and importance. Similarly, it warns about the serious loss these languages face, as well as the urgent need of preserving, revitalizing and promoting them.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_021.pdf



OVER THE DIFFERENT REACTIONS COMING FROM THE FILING OF A COMPLAINT OF THE EVENTS OCCURRED ON JANUARY 18, IN TLAHUELILPAN, HIDALGO, THE NATIONAL COMMISSION OF HUMAN RIGHTS STATES THE FOLLOWING REMARKS:

DGC/025/19
January 21, 2019

The CNDH determined the opening of a complaint file of the case in Tlahuelilpan, Hidalgo, just like it did in other cases, addressing its importance and social impact due to the high number of death and injured people in that case. The above, also because it has found from information coming from the media that federal, state and municipal authorities could have been directly or indirectly involved.

The complaint of this national body does not prejudice the existence of human rights violations or over the concrete responsibility of authorities. In order to collaborate, information has been asked to authorities from different levels to know at first hand if they

had any intervention on it. Amid these authorities, we can mention the Secretary of the Government of the State of Hidalgo, Mexican Petroleum, and the Ministry of National Defense. Likewise, the CNDH will ask information to other authorities like the Ministry of Health and the Presidency of the Municipality of Tlahuelilpan, Hidalgo.


The intervention of this national commission looks for, on one hand, guaranteeing that society, victims and their families know the truth about what happened on January 18; that authorities prosecute the responsible; and that the injured receive the accompaniment and medical attention they need, avoiding new da-

mages. In addition, the goal is to create acting mechanisms or protocols for authorities to avoid, as possible, events as the one occurred in Tlahuelilpan, Hidalgo, so they would not be repeated and can be prevented.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_025.pdf

Nos solidarizamos con víctimas y familiares de los lamentables hechos ocurridos en Tlahuelilpan, Hidalgo.

Visitadores adjuntos, médicos y psicólogos de esta Comisión Nacional se han desplazado al lugar para brindar apoyo a las personas afectadas.



CNDH
MÉXICO

THE CNDH DEMANDS MORE OPENNESS ON THE DIFFUSION OF PERSONAL DATA FROM WHOM VIOLATE HUMAN RIGHTS TO GUARANTEE NO-REPETITION AND TO AVERT THE REDUCTION OF EFFICIENCY OF THE RECOMMENDATIONS OF THIS NATIONAL BODY

DGC/032/19
January 28, 2019



The National Commission of Human Rights (CNDH) demanded bigger openness on the diffusion of personal data related to human rights violations so the recommendations issued by this national body can be used for consideration and support to redress the path and guarantee the no-repetition of such events.

There are still things to be done in the public debate agenda, like discussing the scopes and limits of the right to access of information when it has to do with human rights violations, as well as their confrontation to the protection of personal data of people involved in investigations. This last fact has to do mostly with victims and public servants who have received a recommendation

for grave violations of human rights on their acting.

During the commemoration event of the Data Protection Day, Luis Raúl González Pérez, national Ombudsperson, highlighted that for the CNDH is of major importance the guarantee of no-repetition of human rights violations. In that sense, he recommends that the openness must be a reality according to Law, because authorities must guarantee the right to truth and preserve the historical memory about the events that have harmed society like grave violations of human rights.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_032.pdf

THE CNDH PRESENTS THE PROGRESS ON THE NORMATIVE HARMONIZATION OF THE RIGHTS OF PERSONS OLDER THAN 60, AND CALLS ON THE MEXICAN GOVERNMENT TO RATIFY THE INTER-AMERICAN CONVENTION ON PROTECTING THE HUMAN RIGHTS OF OLDER PERSONS

DGC/035/19
January 31, 2019

The National Commission of Human Rights (CNDH) presented the results of the normative harmonization of federal and state legislation regarding older persons, as a contribution to consolidate a coherent and complete legal system. This will facilitate the fulfillment and guarantee of the human rights of that group, will boost the progressivity of the recognition of those rights, as well as, widen and strengthen its protection on all government levels.

The CNDH made public the status of the harmonization process of 19 rights of older people like: equality of rights between women and men, non-discrimination because of age, right to work, to social security, to protection by family, to protection to physical and mental health, to education and culture, to economic empowerment, access to justice; to Independence and autonomy, as well as to provide their free and informed consent about health. The results show the need of promoting the harmonization of the federal and state norms to ensure that all persons older than 60 enjoy the same rights and identical protection independently of their age or residence.

At the federal level, the National Organism reviewed the laws to prevent and eliminate discrimination of older persons and those related to health and education. It finds out that on average a 59% of them have progress on the harmonization process due to the omission of the recognition of the rights and obligations coming by themselves or that they have been recognized partially. Besides, it was highlighted that none of those norms recognize the right to economic empowerment enshrined on the General Recommendation No. 27 of the Committee on the Elimination of Discrimination against Women, relating to the access of agricultural older women to credit, transportation, and technology.



http://www.cndh.org.mx/sites/all/doc/Comunicados/2019/Com_2019_035.pdf


**Armonización
NORMATIVA
en materia de
Derechos Humanos
de personas mayores**

**Jueves 31 de enero
10:00 hrs.**

Síguelo en vivo



Responsible Authority	Issue	Recommendation
<p>Mexican Social Security Institute, Government of the State of Jalisco</p> <div></div>	<p>About the case of violations to the human rights to health protection, to life, to the to the principle of superior interest of the child in detriment of V1 and to access to health information in detriment of V2 and V3, in the Family Medical Unit 19 in Nayarit and in the General Hospital zone 42 in Puerto Vallarta, Jalisco, both from the Mexican Social Security Institute, as well as to the right to access to justice in detriment of V2 and V3.</p>	<p>RECOMMENDATION No. 1/19 January 31, 2019</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2019/Rec_2019_001.pdf</p>

Responsible Authority	Issue	Recommendation
<p>Aguascaliente’s General Prosecutor</p> <div></div>	<p>On the investigation of serious violations of human rights to legality, legal security and personal liberty by the arbitrary detention of V1, V3, V4, V5, V8, V9, V14, V15 and V18; to security and personal integrity for acts of torture, in detriment of V3, V4, V5, V8, V9, V10, V11, V12, V13, V14, V15, V16, V18 and V19; to security and personal integrity for cruel, inhuman and / or degrading treatment in detriment of V7 and V17; to personal security and sexual integrity for acts of torture and sexual violence in detriment of V1, V2</p>	<p>RECOMMENDATION No. 17VG/2019 January 31, 2019</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/Re-cVG_017.pdf</p>

Responsible Authority	Issue	Recommendation
<p>Holders of the Federal and Local Executive Power, Head of Government of Mexico City, Congress of the Union, and Legislative Powers of the Federative Entities of the Mexican Republic.</p>	<p>On the protection of the cultural heritage of the indigenous peoples and communities of the Mexican Republic.</p>	<p>GENERAL RECOMMENDATION No 35 January 28, 2019</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/generales/Rec-Gral_035.pdf</p>

Braille from the first bottle

In the Center of Resources of the ONCE de Moratalaz (Madrid) an innovative tool is being developed that promises a revolutionary turn in the process of literacy of all blind kids in the country. There are 400 teachers right now in Spain that have some kid with a visual disability on a learning stage and that after facing difficulties with the rest of the students, had demanded inclusive teaching.

Braitico, the system is formed on four differentiated modules to advance by ages, and also in line with the materials used for teaching and deepening in the mind of the blind: from sheets and prints, to braille display, Perkins machine and the computer.

The purpose with Braitico is to make the minors to get the concepts of the reality around them since they are born, and along with the teacher, codify

that spatial dimension by reading, in words through braille almost instantaneously and naturally. An example is, «You are teaching a blind kid to read the word “wolf”, without knowing what it is because he had never seen it. Therefore, the kid says with traditional teaching, “You tell me that the wolf has four paws, and I believe you, because I have never seen it”. By reading the term they do not understand it, the learning is hard for them». What Braitico promotes is to touch the «wolf» since they are babies: with drawings, color games, reliefs and textures, and from 2 and 3 years old, with a special software.

https://www.abc.es/sociedad/abci-braille-desde-primer-biberon-201801152129_noticia.html

Book of the month



Indigenous Peoples, Human Rights and Global Interdependence

Patricia (coord.) Morales

Number of pages: 282 pages.
Binding: Soft cover
Publisher: SIGLO XXI (MEXICO)
Language: CASTILIAN

ISBN: 9789682322921

This publication offers anthropological, philosophical and cultural contributions that match on promoting a multicultural dialogue benefiting indigenous peoples, supported on the universal language of human rights.

Fundamental international documents are reviewed in it, such as the Convention 169 of the ILO, Chapter 26 of the Agenda 21, Human rights instruments of the United Nations and particularly the Declaration on the Rights of Indigenous Peoples.

<https://latam.casadellibro.com/libro-pueblos-indigenas-derechos-humanos-e-interdependencia-global/9789682322921/818629>



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