

No.
330



Newsletter

August 2020



The **CNDH** calls to guarantee **vaccines** against COVID-19 for **penitentiaries**

The CNDH condemns the **attacks** committed by **public security agents** during a **peaceful demonstration** in León, Guanajuato



Secretaría Ejecutiva





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DGC/246/2020

August 10, 2020

The CNDH requests the Executive and Legislative branches, and state governments, to introduce the *Principle of Budgetary Irreducibility* in public bodies responsible for promoting equality and eradicating discrimination.



The President of the National Human rights Commission (CNDH), María del Rosario Piedra Ibarra, urged the Federal Executive branch, the Legislative one, and the states governments of the republic to introduce the *Principle of Budgetary Irreducibility* in public offices, agencies and bodies responsible for the promotion of equality, as well as the fight for the eradication of discrimination, in addition to providing them with greater capacity for action and binding powers to their Recommendations and institutional determinations.

At the opening of the *Virtual Conference on the Rights of Indigenous and Afro-Mexican Peoples and Communities*, Piedra Ibarra pointed out that

according to the 2015 Intercensal Survey of the National Institute of Statistics and Geography, 25.6 million people (51% women and 48,7% men) belong to an indigenous group, while 385 million people worldwide are indigenous. This is why it is necessary to promote public policies to allow them to exercise their right in a free and informed manner and in their own language, with a gender perspective and in conditions of equality and non-discrimination.

During the meeting organised by the CNDH, the ombudsperson expressed that one of the main challenges facing the Mexican State is to guarantee the human rights of this sector of the

Our President's Voice

Population, above all because according to the National Council for the Evaluation of Social Development (*Consejo Nacional de Evaluación de la Política de Desarrollo Social*, CONEVAL), 71.9% of the indigenous population lives in circumstances of poverty or extreme poverty, and it is necessary to add efforts to eradicate the conditions of exclusion and marginalisation.

Before representatives and defenders of the indigenous and Afro-Mexican communities, the president of this Autonomous Organism indicated that 8 out of 10 indigenous children are in a situation of poverty, while 40% of indigenous women are in condition of poverty and extreme poverty, which generates various difficulties in exercising their right to health due to insufficient infrastructure and medical equipment in the marginalised areas of the country.

She reminded that in the context of the current Health emergency, the CNDH has requested the Executive branch and the public institutions in the health sector, and the state and municipal governments of the Mexican republic, to strengthen prevention and health protection measures for the country's indigenous and Afro-Mexican peoples, in order to contain and mitigate the effects of the COVID-19 pandemic.

Piedra Ibarra also demanded overcoming the double discourse that has prevailed for decades, characterised by the integration of indigenous peoples into National development through a model of cultural assimilation and public assistance, which have often transgressed their cultures, identities and worldviews. In addition, this approach has also violated their right to autonomy and self-determination, access to health, education and justice with cultural and linguistic relevance, and to freely decide on their territories.

After highlighting that indigenous and Afro-Mexican people face institutional complexities to access justice, due to their marginality and discrimination, the ombudsperson called the Mexican Judicial branch, and specialists and social organizations, to promote a legal reform that guarantees the country's indigenous and Afro-Mexicans a dignified access to justice and the development of the impartial, timely and efficient processes that they deserve.

She indicated that the *International Day of Indigenous Peoples*, commemorated on August 09, is an opportunity to reflect on our roots and identities, so she hoped that the Virtual Conference will motivate us to consider where we come from and where are we standing in order to project the future of Mexico as that of a multi-ethnic, multicultural and multilingual nation.

For his part, when welcoming representatives and defenders of indigenous and Afro-Mexican peoples, Javier López Sánchez, general director of the CNDH's Fourth General Visitation Office, explained that the meeting purpose is to analyse the situation in which the members of this society's sector are, generating alternatives to their achievement of a decent living standard. For this, he said, the encounter included, at the national level, the participation of Martha Sánchez Néstor, Mijane Jiménez Salinas, Fidencio Romero Tobón, Martín Chávez Makawi and Santos Rentería Carrillo, who have stood out for their work in defence of the rights of indigenous peoples, as well as with Otilia Lux de Coti and Álvaro Esteban Pop Ac at the international level.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_246.pdf

Event of the Month

DGC/242/2020

August 05, 2020

The CNDH started the Permanent *Conversatorio*¹ as an exercise that brings the Population closer to the promotion and dissemination of human rights.

This Wednesday, August 05, 2020, at 10 a.m. sharp, the Permanent *Conversatorio* of the National Human Rights Commission (CNDH) was inaugurated, whose objective is to promote among population the knowledge about human rights, and to encourage the participation of diverse sectors by virtue of their exercise and defence. The Technical Secretary of the Advisory Council of This CNDH, Joaquín Narro Lobo, pointed out in behalf of the head of the organization, Rosario Piedra Ibarra, the importance of opening spaces for horizontal dialogue leading to the promotion and construction of a culture of practice of human rights. He highlighted that in order to comply with the human rights, the discussion is framed in the context of the COVID-19 pandemic, but it is older and deals with the health model in Mexico.

For his part, the event’s moderator, Carlos Fazio Varela, Director of the Second General Visitation Office of the CNDH, assured that the objective of the summits is to disseminate the human rights in order to demand their guarantee, and to invite everyone to establish a dialogue with the institution by expressing their opinions and doubts.

The first participant, Carlos Espinosa Villagrán, Director of Human Rights and Health Normative Research, referred to the 2019 reform of Article 4 of the Constitution, pointing out that its objective is to guarantee human rights to

health in a universal way, which implies more than the absence of illness, as it seeks to reach the highest possible level of physical and mental health. According to Espinosa Villagrán, the reform will remedy the lack of public health services in more than half of the population without access to social security, which places them in a vulnerable situation. The reform means a contribution to society in line with the objective of providing protection for the rights of all people.

Finally, Juan José Sánchez Sosa, doctor from the Faculty of Psychology of the National Autonomous University of Mexico (UNAM), referred to the *Mental Health panorama in the pandemic* and said that it has generated a context of forced coexistence and generalized risk that affects emotional systems, beliefs and actions. He considered that a *complicated stress* has emerged that is chronic and affects psychological adaptability. This occurs because stress is a tension created by change, whether internal or external, and threatens our organised existence. He noted that documented reactions to stress include anxiety; depressive symptoms; anger and family violence; irritability, intolerance and hyperactivity; troubles concentrating; insomnia; gastrointestinal problems; and a weakened immune system. In addition, these factors are exacerbated among health professionals causing physical and psychological illness, violence, accidents and mistakes. To address the effects of stress, Sánchez Sosa insisted that there must be clarity on human rights principles and not politicise initiatives or actions, but socialise them to generate better practices: We cannot allow a subculture of abuse to become normalised.

After the participations, Carlos Fazio collected the questions expressed by the population in the official accounts of the institution, and channelled them to the participants, who respond to the concerns with a respectful and pluralistic dialogue. The moderator closed the conversation by clarifying that documents will be produced and widely disseminated, and that this dialoguing exercise is in line with the objective of the current administration to transform the CNDH into a true ombudsman’s office.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_242.pdf



CONVERSATORIOS PERMANENTES de la CNDH



Tema General del conversatorio:
EL NUEVO MODELO DE SALUD ANTE LA PANDEMIA GENERADA POR EL VIRUS SARS-COV-2

**TRANSMISIÓN EN VIVO
 MIÉRCOLES 5 DE AGOSTO
 10 AM**

¹ The Spanish word *Conversatorio* has not precise translation, it refers to a time-space activity where different opponents have a conversation in front of a public. (TN)

Press Releases

DGC/243/2020

August 06, 2020

The CNDH requests precautionary measures from diverse authorities of the State of Sonora to safeguard the health and life of people in the context of mobility, housed in the “Casa del Migrante” shelter in Caborca, facing the COVID-19 pandemic.

On past July 23, the National Human Rights Commission (CNDH) knew about a person’s death in the context of mobility, housed in the “Casa del Migrante” shelter in Caborca, Sonora, who was tested for the virus SARS-CoV-2 (COVID-19), proving positive, for which the Secretary of Health of the federal entity was requested to attend to the situation and provide adequate medical services, in order to preserve the physical integrity of the people in that shelter.

Considering that there is an extraordinary risk of COVID-19’s contagion for those who are in the place —because they do not have basic supports for hygiene and personal protective equipment—, and considering also that this

situation may have a direct impact on the Violation of their rights, especially to physical integrity, Health and life, the CNDH requested the implementation of precautionary measures to the Government and Health secretaries, and the person in charge of the dispatch of the State of Sonora’s Coordination of Civil Protection Office, as well as the municipal president of the Caborca city council, with the purpose of adopting urgent actions to guarantee medical attention required by migrants and prevent as much as possible contagions among that population, maintaining permanent monitoring and supervision, in addition to providing them with information and the necessary products and supplies to prevent the disease, and to make available a space worthy of accommodation.

The precautionary measures have already been notified to the aforementioned authorities of the State of Sonora, if they are accepted the CNDH will follow up on their implementation and compliance, ensuring that the human rights of those who are housed in the aforementioned shelter are respected.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_243.pdf



DGC/245/2020

August 07, 2020

The CNDH presented 46 lawsuits of unconstitutionality action before the Supreme Court of Justice of the Nation.



On last August 03, the National Human Rights Commission (CNDH) presented before the Supreme Court of Justice of the Nation (SCJN) 46 lawsuits of unconstitutionality action that seek to protect various human rights all over the country.

During the pandemic caused by the SARS-CoV-2 virus, the CNDH continued to exercise one of its main powers: to monitor that local and federal laws issued by Mexican legislators respect the human rights and, when appropriate, request the highest Court of the country to determine the constitutionality of those legal systems.

The resources promoted seek to protect the rights to freedom of expression, property, freedom of trade or work,

non-discrimination, prior consultation with indigenous peoples and communities, consultation with people with disabilities, best interest of children, and equality, among others.

With these lawsuits, the CNDH adds 86 actions of unconstitutionality prompted so far this year.

Once admitted for processing by the SCJN, the aforementioned actions of unconstitutionality may be consulted at the following electronic address: <https://www.cndh.org.mx/tipo/209/accion-de-inconstitucionalidad>

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_245.pdf

DGC/247/2020

August 10, 2020

It is urgent to design a new relationship between the Mexican State and the Indigenous and Afro-Mexican peoples, one that allows progress towards the recognition of their human rights.

For Mexico to advance in the recognition of the indigenous peoples' human rights, it is necessary for the Mexican State to design a new relationship with these communities, through an approach that considers aspects such as gender equality, compliance with legal agreements, strengthening of public policies, and also the absolute respect for their uses and customs, coincided in pointing out the participants of the Virtual Conversation *The Rights of the Indigenous and Afro-Mexican peoples and Communities*.

During the conversatorio, organized by the National Human Rights Commission (CNDH) through its Fourth General Visitation Office, national and international defenders and promoters of the human rights of indigenous and Afro-Mexican people expressed that despite having made progress in the recognition of their fundamental rights, situations persist that threaten their integrity, such as the lack of access to health services and the dispossession of their territories.

López Sánchez, general director of the CNDH's Fourth General Visitation Office, added that one of the objectives of the current CNDH, headed by María del Rosario Piedra Ibarra, is to transform the institution into a truly Ombudsman's Office, close to the people and willing to contribute so that their rights are respected by the Mexican authorities, and thus advance in the consolidation of a multicultural and diverse country.

Recognizing that the CNDH's present administration has established a closer relationship with the indigenous people, Martha Sánchez Néstor emphasized that in the face of racism and historical discrimination suffered by those societies, different communities have chosen to prepare themselves to exercise true leadership facilitating dialogue with the authorities of the three government levels to present their demands.

Finally, Álvaro Esteban Pop Ac, executive secretary of the Fund for the Development of Indigenous Peoples of Latin America (FILAC), emphasised that human rights must be reflected from the State with policies, actions and budgets in favour of indigenous and Afro-Mexican people; guarantee their ability to organize by themselves and make their own decisions, and see them as equals. He indicated that as long as the authorities exercise the economic resources allocated to them and legislate properly, they will be able to respect the communities' fundamental rights.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_247.pdf



Conversatorio Virtual

Los Derechos Humanos

de los Pueblos

Comunidades Indígenas

y Afromexicanos



DGC/248/2020

August 11, 2020

The CNDH invites to the conversatorio: *The Migrant Law: Challenges and Defies in the Light of the Current Situation of People in Mobility.*

The National Human Rights Commission (CNDH) convenes the conversatorio *The Migration Law: Challenges and Defies in the Light of the Current Situation of People in Mobility*, with the aim of analysing those regulations, almost ten years after its publication, from the perspective of changes that have arisen in the migratory phenomenon in our country, and the evolution in the recognition of human rights at the national and international level.

Among the topics to be addressed are: Principles of the Mexican State’s Migration Policy and the Budget to Guarantee it; Authorities that Intervene in the Attention of the Migratory Phenomenon; Right of Asylum; Rights of People Sheltered in Migratory Precincts; and Migrant Children.

The proposals and interventions generated during This event will be integrated into the CNDH’s working document *Towards a Reform Proposal on Immigration Matters.*

People interested in being part of the encounter may do so through three categories: Participants, Assistants and Moderators. They must register from August 17 to 21, 2020, previously consulting the requirements established in the bidding, available at the following e-address: <https://bit.ly/3hhwO39>

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_248.pdf



DGC/253/2020

August 19, 2020

The CNDH urgently requires the government of the State of Chiapas to complete the Precautionary Measures decreed in favour of inhabitants of the Aldama and Chenalhó municipalities.



In order to protect the inhabitants of Aldama and Chenalhó, in Chiapas, the National Human Rights Commission (CNDH) issued precautionary measures to the government of that entity, requiring it, as a matter of urgency, to guarantee their fundamental rights to life, personal integrity and property, as well as to individual and collective security.

In exercise of its constitutional and legal attributions, the CNDH demands the unrestricted application of the rule of law in the aforementioned municipalities, at the same time that urges to privilege dialogue and agreement that allow the necessary consensus to guarantee peace and social stability.

The foregoing occurs as a result of the events that happened recently, as well as those that came about on August 11, 12 and 13 of the current year, in which the inhabitants of Aldama reported aggressions with high calibre firearms, originated from the bordering areas with the municipality of Chenalhó.

This Autonomous Constitutional Organism emphasizes that, in accordance with Article 1 of the Political Constitution of the United Mexican States, all authorities, without exception and in any government’s area, within the scope of their respective powers, have a duty to do so.

For its part, the Inter-American Commission on Human Rights (IACHR) has stated on several occasions that Police constitute a fundamental institution for the rule of law, and to guarantee the security of the population.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/Com_2020_253.pdf

DGC/254/2020

August 20, 2020

The CNDH will investigate possible human rights' violations in the legal protection (amparo) against the Mayan Train Project.

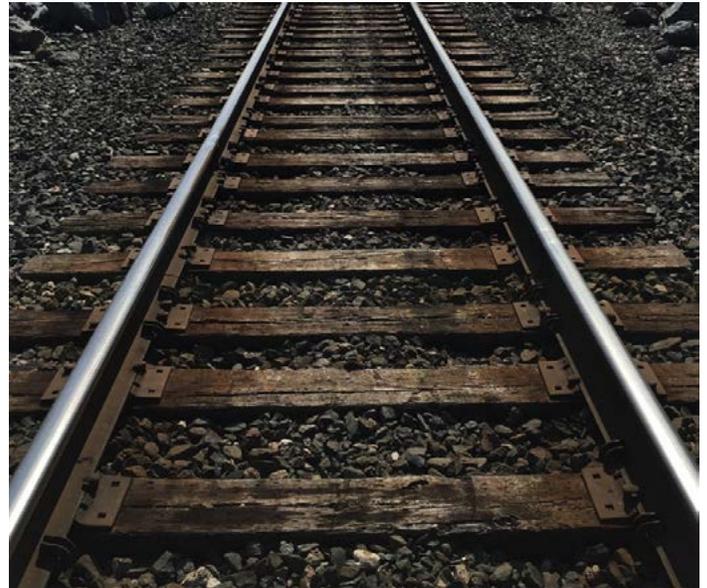
As a result of complaint lodged with the Committee for the Defence of the Mayan Train, the National Human Rights Commission (CNDH) will initiate an investigation to identify possible violations of the human rights of the indigenous communities in the region of Calakmul, Campeche, concerning the amparo proceedings filed and granted by the First District Court of that federal entity against the infrastructure project and, if necessary, issue appropriate recommendations.

In addition, the CNDH informs that during the construction of the Maya Train, it will monitor compliance with the current federal regulations on environmental and archaeological topics to protect and guarantee the rights of local communities and indigenous peoples livings in the states of Chiapas, Campeche, Tabasco, Quintana Roo and Yucatán.

The CNDH reaffirms its commitment to the defence, protection and promotion of the rights of indigenous

communities throughout the country and, in this particular case, reiterates that it will ensure the rights of local communities and indigenous peoples that are inside the route of the Mayan Train.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_254.pdf



DGC/255/2020

August 20, 2020

The CNDH condemns institutional violence against women deprived of liberty in the Santiaguito prison, State of Mexico.

The National Human Rights Commission (CNDH) requested Information from different authorities to verify the progress of Recommendation 80/2013, issued for serious violations



of human rights to the deprivation of the lives of 72 migrants on August 25, 2010, in the San Fernando municipality, in Tamaulipas, especially with regard to the investigations into the events, punishment of those responsible, damage repair and guarantees of non-repetition.

On instructions of the President of This National Organism, María del Rosario Piedra Ibarra, the CNDH will establish close and direct communication with the families of those who lost their lives in such unfortunate events, thus confirming their commitment to the defence of their human rights and dignity.

On the basis of the responses provided by the authorities to whom the Recommendation is addressed, the CNDH will have more information to consider the families of the victims and the people of Mexico.

It should be noted that the administration headed by María del Rosario Piedra Ibarra is, based on the legal instruments and institutional mechanisms on its charge, in process of strengthening to redouble efforts in the protection of people, particularly of the victims of human rights violations, with whom will meet and maintain direct contact.

Care for the victims of a crime and their families, as well as their accompaniment, are a primary issue in the daily life of this National Human Rights Commission.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_255.pdf

DGC/256/2020

August 21, 2020

The CNDH calls to guarantee vaccines against COVID-19 for penitentiaries.

The National Human Rights Commission (CNDH) requested the General Health Council and the Secretary of Health of the Federal Government to establish the necessary measures to guarantee sufficient doses of vaccines against the SARS-CoV2 virus (COVID-19) in federal, state and military prisons in the country.

Rosario Piedra Ibarra, President of This National Autonomous Organism, stressed that is an obligation of the Mexican State to guarantee the right to Health, as well as access to a dignified life, for persons deprived of their liberty, and underlined: “The State must provide to the maximum of its resources all medical, human and hospital infrastructure supplies to prevent the spread of COVID-19 in penitentiaries”.

“The vaccine, although not yet available in our country, must reach all Mexicans. We urge the Federal, State and municipal

authorities, within the scope of their competencies, to allocate the necessary public and economic resources to guarantee sufficient doses in prisons”, said Piedra Ibarra.

For its part, the CNDH’s Third General Visitation Office, under the strictest sanitary measures, began on-site monitoring visits to various state, federal and military penitentiaries to document the *National Prison Supervision Diagnosis* with focus on protecting the right to health of persons deprived of their freedom.

The holder of the CNDH detailed that it is priority of this National Organism to guarantee the rights of persons deprived of their liberty while the COVID19 pandemic. She remembered that on past April 03, this Commission designed and implemented the COVID-19 National Monitoring Mechanism, whose main objective is the monitoring and reporting of suspected cases, positive cases and deaths by COVID-19 in federal, state and military prisons in the country, for the purpose of generating data and measurement which serve as references for appropriate and timely decision-making.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_256.pdf



DGC/257/2020

August 21, 2020

The CNDH requests all public Health institutions to provide timely care for people living with HIV, and to deliver antiretroviral drugs.

The National Human Rights Commission (CNDH) urges the different public Health institutions to conduct laboratory and cabinet studies for people who live with Human Immunodeficiency Virus (HIV), in addition to timely delivery of antiretroviral drugs throughout the country.

Last August 13, people who live with HIV, human rights' defenders and civil society organizations filed, in a collective action before the CNDH, 21 complaints against the Mexican Social Security Institute (Instituto Mexicano del Seguro Social, IMSS), 14 against the Mexican Institute for Security and Social Services of State Workers (Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, ISSSTE) and other public Health institutions, due to insufficient units to receive medical care for the conversion into "COVID-19 Hospitals" and the lack of application of laboratory and cabinet studies for more than six months and even since several people began their antiretroviral treatment.

In the complaint document they also reported a shortage of Health personnel, a lack of telephone attention, irregularities un the supply of medicines and problems in receiving mental health care, emphasizing that this situation has prevailed in the present administration and has intensified in the health contingency generated by the COVID-19.

They also noted that the public Health institutions have failed to comply with the Guidelines for the Antiretroviral Management of Persons with HIV, which state that any changes to the antiretroviral regimen must be made with the informed consent of the person entitled, and authorized by the treating physician.

Even though the COVID-19 pandemic has imposed another dynamic on attention to Health problems, the CNDH considers that the Mexican State and its Health and Sanitary institutions must fulfil their human rights commitments, specifically to those living with HIV, and stresses that complaints lodged must not lead to reprisals against the rightful claimants, and much less must violate the confidentiality of their health condition.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_257.pdf



DGC/258/2020

August 22, 2020

The CNDH remembers the victims of the events that occurred in San Fernando, Tamaulipas, in 2010, and announces follow-up to the case.

Ten years after the events that occurred in San Fernando, Tamaulipas, where 72 migrants lost their lives and two more were attacked, the National Human Rights Commission (CNDH), remembers the victims of such events and, as a manifestation and demand for non-violence in favour of migrants, from August 17 to 22, 2020, the female and male workers of the institution shall wear a white bow.

In this way, and assuming the institutional commitments, in relation to the Follow-up to the meeting held on August 26, 2019 with several authorities, international and civil society associations, and indirect victims of this case, information was requested from various authorities, among others, the General Attorney's Office of the Republic, which reported that since February 2020 operates an investigation team composed of the

ministerial Authority attached to the Unit for the Investigation of Crimes against Migrants, the Federal Ministerial Police, analysts of the National Centre for Planning, Analysis and Information to Combat Crime (CENAPI, Spanish acronym) and private international consultants named by the victims. In addition, 63 bodies have been identified and repatriated, meetings have been held with consuls from different countries to identify the remaining corpses, and copies of the inquiry relating to the investigation of the case have been provided to the legal representatives of the victims, maintaining constant communication with them.



Likewise, this Commission continues to be attentive to the case and gives timely follow-up to compliance with the Recommendation 80/2013², which was issued on December 23, 2013, for the events remembered here, to the General Attorney's Office at the time (the nowadays Attorneys General's Office has more audit power) and the Tamaulipas State Government, in strict compliance with the Law and Regulations of this National Organism.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_258.pdf

² https://www.cndh.org.mx/sites/default/files/doc/Recomendaciones/ViolacionesGraves/REC_2013_080.pdf

DGC/263/2020

August 25, 2020

The CNDH condemns the attacks committed by public security agents during a peaceful demonstration in León, Guanajuato.



During a peaceful demonstration in León, Guanajuato, on last August 22, realized by women activists who exposed a sexual violence case committed by municipal police against a young woman, the police carried out at least 23 arbitrary arrests, of 22 women and a man, and a series of assaults against protesters, reporters and several persons that were just passing through at the time.

On its Twitter account, the Secretary of Public Security of the municipality of León published that the arrests had been made for “acts of vandalism and attacks on the authority in the violent demonstration that afternoon”². However, those arrested were released at dawn without charge, and pointed out that during their detention they had been victims of threats, as well as physical violence, consisting on beatings and hangings, which could constitute acts of torture. Acts constituting sexual violence against at least two underage women were also reported.

This National Commission condemns the attacks carried out by the municipal police on demonstrators and

persons present at the time of the events, and demands that the authorities conduct a throughout investigation with a gender perspective, and punish the public officials who violated the victims’ human rights. Otherwise, the authority would send a message of tolerance towards this type of behaviour, which is totally unacceptable in a state governed by the rule of law.

Given the context of extreme violence against women in the state of Guanajuato, it is essential that the authorities exercise their functions with gender and human rights perspectives, in other to guarantee them. The General Law on Women’s Access to a Life Free of Violence provides that femicide violence is made up of the set of misogynist behaviours that can indicate State impunity³.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_263.pdf

³ Twitter. Public Security León, Guanajuato. Available at: <https://bit.ly/2ZqLAOO>

⁴ Chamber of Women and Men Deputies, General Law on Women’s Access to a Life Free of Violence. Available at: <https://bit.ly/3bLO2Ey>

DGC/264/2020

August 26, 2020

The CNDH calls on the Federal Executive to initiate the legal process to recognize the competence of the United Nations Committee on Enforced Disappearances

The National Human Rights Commission (CNDH) exhorts the Federal Executive to initiate the procedure for withdrawing the reservation to article 31 of the International Convention for the Protection of All Persons against Enforced Disappearances, and recognize the competence of the United Nations Committee on Enforced Disappearances to receive and consider communications submitted by or on behalf of persons under its jurisdiction who claim to be victims by the State of violations of the provisions of the Convention.

Mexico is part of the International Convention for the Protection of All Persons against Enforced Disappearances, which came into force in 2010. A year ago, the Federal Executive signalled its intention to reassess the competence of the United Nations Committee on Enforced Disappearances to intervene

in cases of enforced disappearance and human rights violations. However, the official communication has not been delivered to the Senate to initiate the legal process of withdrawing the reservation.

This National Organism reiterates that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity, which compels the State to act in strictly accordance with its obligations to prevent enforced disappearance and to eradicate impunity related to this crime.

The CNDH requires respect for the right of everyone not to be subjected to enforced disappearance, and the right of victims to justice and reparation, as well as the right to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and respect for the right to freedom to seek, receive and impart relevant information. Full recognition of the competence of the United Nations Committee on Enforced Disappearances will represent a further step towards strengthening the regime of protection against enforced disappearance.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_264.pdf



DGC/267/2020

August 27, 2020

The CNDH requests SEDENA to conduct a thorough investigation to clear up the events in Nuevo Laredo, Tamaulipas.

The president of the National Human Rights Commission (CNDH), María del Rosario Piedra Ibarra, called on the head of the Secretariat of National Defence (SEDENA, Spanish acronym), Luis Crescencio Sandoval González, to investigate thoroughly the likely violation of international protocols of action and standards for the use of lethal force with firearms during an operation carried out on July 03 of the current year in Nuevo Laredo, Tamaulipas.

According to the Information published by various media outlets, where a video clip recorded by the soldiers themselves was released, it would be confirmed that those in the action had given false information in the account of the events, indicating that as result of the confrontation no survivors were found. However, in the aforementioned recording it can be listen that, after the site review, the military confirmed at least one person alive. This contrasts with the report submitted, which states that twelve deaths occurred during the confrontation.

These actions would constitute violations of the manual on the Use of force, common to the SEDENA and the SEMAR (Secretariat of the Navy), and a grave violation to human rights, in addition to possibly constituting an extrajudicial execution, which is contrary to our Political Constitution and to the international treaties that Mexico has signed on human rights and on the use of firearms.

We recognize the vital role of the Armed Forces in combating insecurity and seeking peace in the country, but we condemn acts of excessive use of force and, above all, we call for an investigation into what has happened to be carried out promptly, expeditiously and transparently.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_267.pdf



DGC/268/2020

August 28, 2020

Forty-two years after the beginning of the struggle for the Mexico's disappeared persons, the CNDH reaffirms its commitment to truth and justice



COMITÉ ¡Eureka!

SEGUIMOS EN LA LUCHA

Today, 42 years of the *Comité ¡EUREKA!* first hunger strike in the Metropolitan Cathedral are commemorated. With this motivation, the National Human Rights Commission (CNDH) reaffirms its commitment to all victims of enforced disappearance in Mexico, both with the relatives of the disappeared from the period known as "Dirty War" and the families of the thousands of victims of this crime against humanity, which occur in an alarming way during the last twelve years.

That strike was the seed of the Movement for the presentation of the disappeared, and the beginning of our society's awareness of how Mexico's bad governments, like the Latin America's military dictatorships, used forced disappearance to combat their political opponents and social fighters. That strike also ripped the José López Portillo's government out of an Amnesty Law that achieved the cancellation of 1,500 arrests warrants, the release of 2,000 political prisoners, and the return of 57 exiles.

On January 9 of this year, by agreement of its president, the CNDH created the Special Office to Investigate the Repression and Enforced Disappearance by the State Political Violence during the recent past, precisely with the mission to clarify all the cases.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/COM_2020_268.pdf

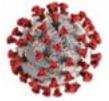
Recomendations

Recommendation	Case Topic	Authority
<p>Recommendation No. 25/2020 August 03, 2020</p> <p>https://www.cndh.org.mx/sites/default/files/documentos/2020-08/REC_2020_025.pdf</p>	<p>Judicial Challenge against the agreement to close a complaint dossier composed by the Hidalgo State Human Rights Commission.</p> <p>The avoidance procedure was brought by three appellants (R1, R2 and R3)</p>	<p>Hidalgo State Human Rights Commission.</p> 
<p>Recommendation No. 26/2020 August 18, 2020</p> <p>https://www.cndh.org.mx/sites/default/files/documentos/2020-08/REC_2020_026.pdf</p>	<p>Violation to the rights to a life free of obstetric violence and access to Health of one victim (V1).</p> <p>Also, violation to the following rights of another victim (V2): access to Health, integrity and best interests of the child.</p> <p>The cases are attributed to personnel of the Military Hospital of Women’s Specialities and Neonatology, Military Central Hospital, and Military Hospital of Zone 1-a, in Mexico City.</p>	<p>Secretariat of National Defence.</p> 
<p>Recommendation No. 27/2020 August 18, 2020</p> <p>https://www.cndh.org.mx/sites/default/files/documentos/2020-08/REC_2020_027.pdf</p>	<p>Lack of specialized medical care and timely treatment for the grievance of a victim (V), who was deprived of liberty at the Federal Centre for Social Rehabilitation (CEFERESO, Spanish acronym) in Tepic, Nayarit.</p>	<p>Decentralized Administrative Body for Prevention and Social Rehabilitation.</p> 
<p>Recommendation No. 28/2020 August 18, 2020</p> <p>https://www.cndh.org.mx/sites/default/files/documentos/2020-08/REC_2020_028.pdf</p>	<p>Judicial Challenge from one appellant and victim (RV) for the non-acceptance by the Attorney General’s Office of the State of Veracruz of the Recommendation issued by the State Human Rights Commission.</p>	<p>Attorney General’s Office of the State of Veracruz de Ignacio de la Llave.</p> 
<p>Recommendation No. 29/2020 August 19, 2020</p> <p>https://www.cndh.org.mx/sites/default/files/documentos/2020-08/REC_2020_029.pdf</p>	<p>Violations to the human rights to life and legal certainty of one direct victim (VD), for the illegitimate use of security forces, attributed to personnel of the Tamaulipas Public Security Secretariat, in the municipality of Ciudad Río Bravo, as well as the right to access to Justice in its administration form, to the detriment of the victims VI1, VI2, VI3, VI4, VI5 y VI6.</p>	<p>Constitutional Government of the State of Tamaulipas.</p> <p>Tamaulipas State Attorney General’s Office.</p> 

Actions in Defence of Human Rights

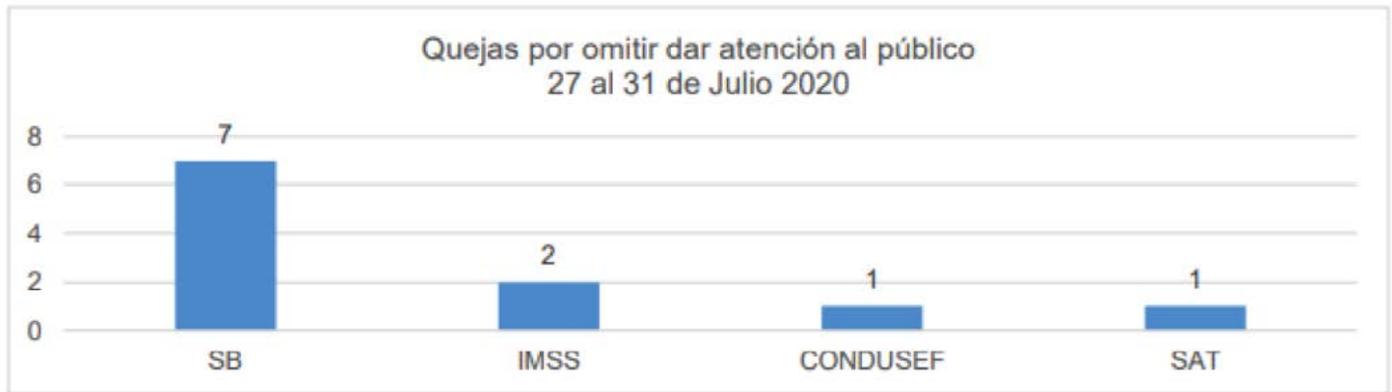
August 07, 2020

GENERAL REPORT



The National Human Rights Commission (CNDH) monitors that the institutions respect human rights, and work for an environment with a collective and coordinated approach to them, despite increasingly challenging circumstances.

Any practice of Government policy that deliberately or intentionally threatens the rights of the people of Mexico must be revealed and addressed. Human rights violations will not go unnoticed by this National Organism.



**Complaints against Institutions for failing to pay attention to the public.
(July 27-31, 2020)**

The provision of Health care is essential for a decent life, especially for people in vulnerable groups, and positive measures must be taken to prevent any kind of human rights violation. The right to Health encompasses other factors that promote conditions for healthy environments, such as food, nutrition and housing.

This fundamental right requires essential aspects, such as the availability of adequate Public Health facilities, goods and services accessible in sufficient quantity. They must be within reach both physically and economically, non-discriminatory, and respectful of medical ethics and, also, of people’s culture.



**Complaints against Institutions for failing to provide Medical Care.
(July 27-31, 2020)**

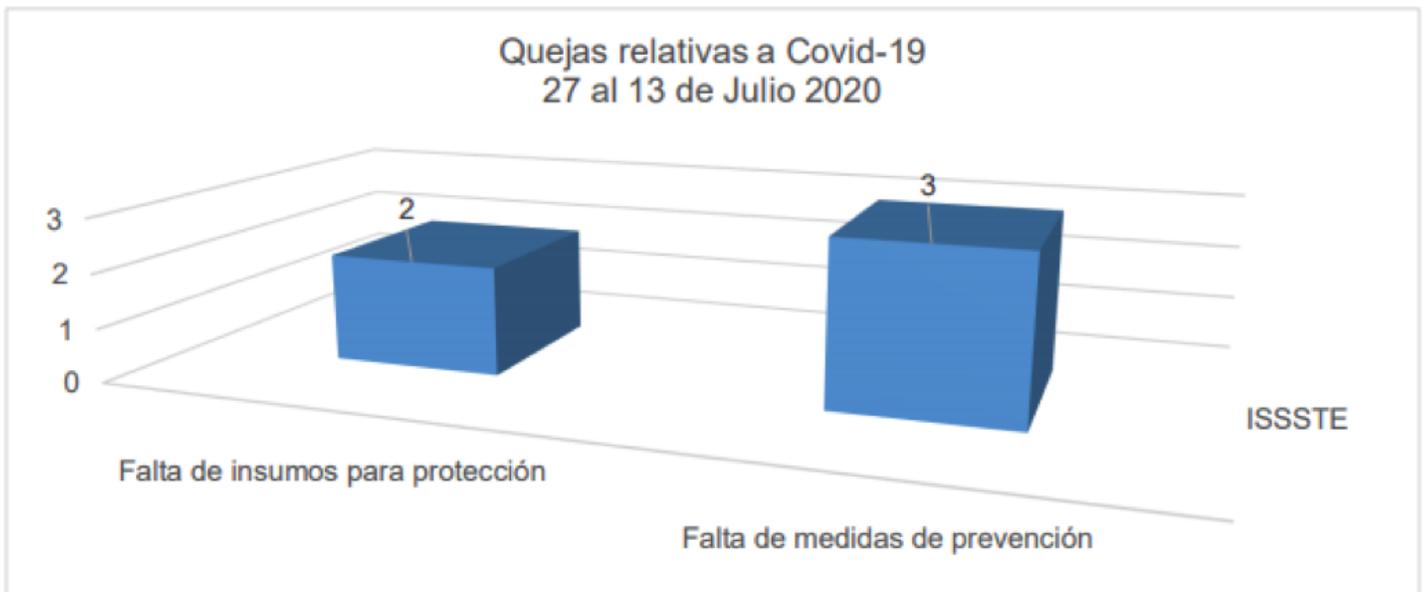
The availability of electricity undoubtedly contributes to improving social development, while it has implications for Health, nutrition and, above all, the security of the population—in particular in rural areas and for women—. Access to electricity is, in short, an explicit right in the context of eliminating any kind of discrimination.



**Complaints of non-conformity in the Electricity Service
(July 27-31, 2020)**

Throughout the pandemic, the CNDH has insisted that, amid emerging awareness, Governments consider balancing health protection and promotion with individual human rights.

The medical, nursing and services' health community is empowered to make decisions in the face of rising tensions, which is why it must be guaranteed not only access to equipment, but also to research and Information tailored to its local needs.



**Complaints concerning COVID-19
(July 27-31, 2020)**

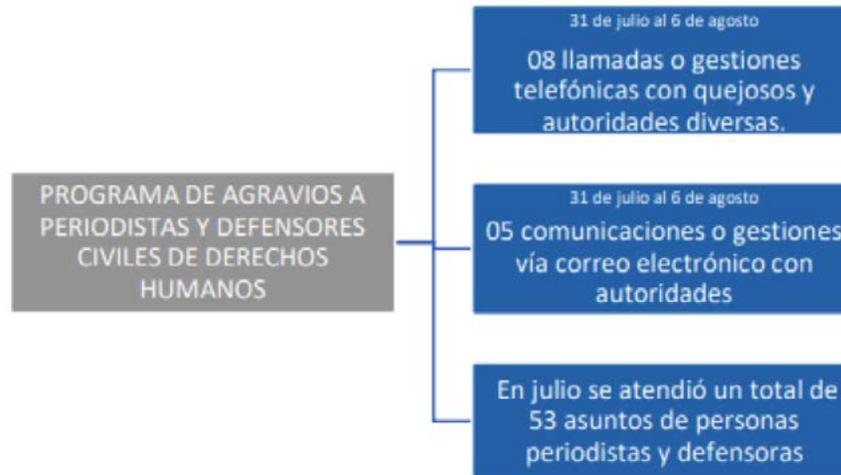
https://www.cndh.org.mx/sites/default/files/documentos/2020-08/Reporte_DH_15_2020.pdf

August 12, 2020

GENERAL REPORT

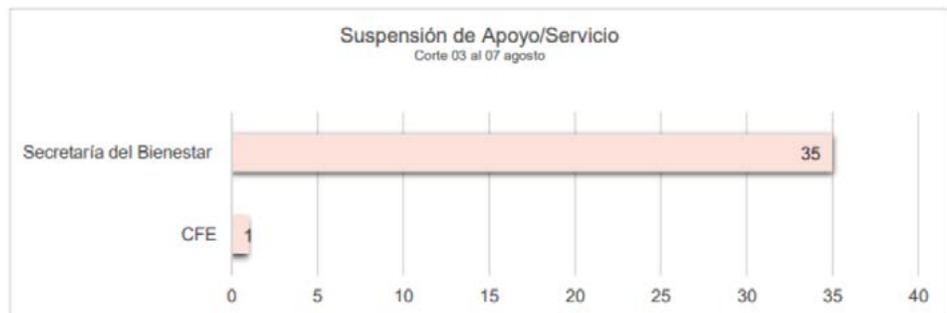
For the National Human Rights Commission (CNDH), protecting the free exercise of the press and Information is essential for the consequent protection of more human rights.

Reality shows that Murder is an extreme form of silencing journalists, but there are others that are less visible and equally harmful to the freedom and safety of media workers, women and men. Therefore, it is necessary to promote the strengthening of professionalism in the media, ethical journalism, and firmly establish protection mechanisms.



Programme of Grievances to Journalists and Civil Human Rights Defenders: 08 telephone calls to complainants and several authorities; 05 e-mail requests to authorities; in July, 53 cases of journalists and human rights defenders (July 31- August 06, 2020)

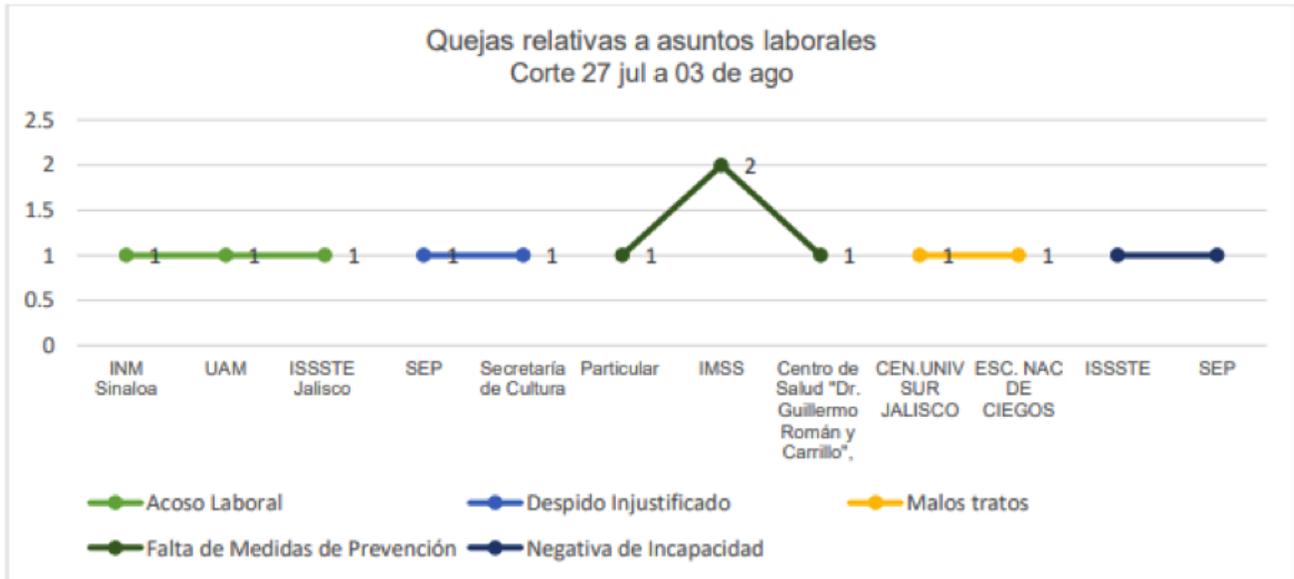
Both public officials and security forces must receive the necessary Information to respect basic human rights during the performance of their duties, thereby contributing to the generation of that value in the provision of the service, and through accurate and appropriate recruitment to concentrate their work on observing, taking action and fulfilling their responsibilities under ethical principles. Improving this fundamental cause will make it possible to strengthen and protect human rights over any complex political, social or economic background.



**Inattention (August 03-09, 2020)
Suspension of Service Support (August 03-07, 2020)**

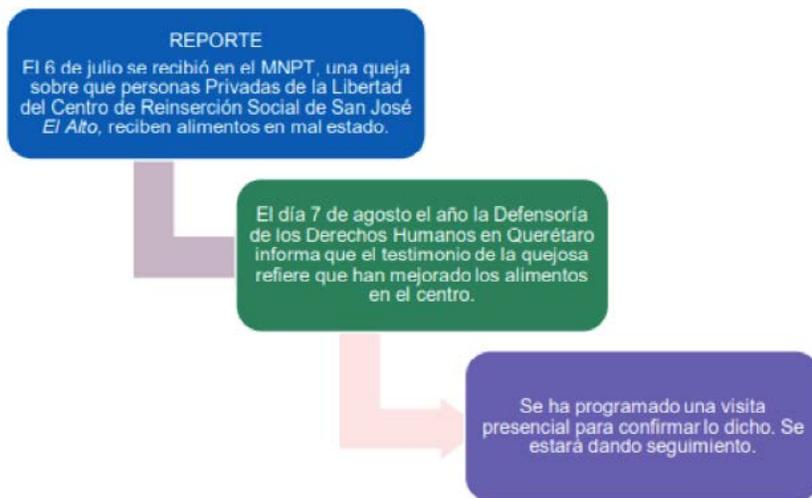
Planning with focus on equality and human rights’ protection represents, both for the public sector and for private initiative, the possibility of eradicating discriminatory practices, thus that equality and enforcement of rights.

It is necessary to promote policies that guarantee working environments in which series of norms that favour relations and working conditions are applied, building a work culture that promotes the equitable development of all its members. The training of all personnel must be based on an organizational culture that values equality and human rights.



Institutions with complaints concerning Labour Matters: 1) Harassment at Work; 2) Unjustified Dismissal; 3) Mistreatment; 4) Lack of Prevention Measures; 5) Refusal of Incapacity. (July 27-August 03, 2020)

Providing monitoring and evaluation in the settings of persons deprived of freedom requires a challenge in terms of data collection and analysis. All front-line professionals should be the focus of training policies in working out on behaviour and care, and should be prepared on trafficking in persons for the victims’ identification and protection, as well as on the respective investigation.



REPORT: 1) July 06. Complaint: the persons deprived of liberty in the Centre for Social Reintegration of San José, El Alto, Querétaro, are getting bad food. 2) August 07. Querétaro Human Rights Ombudsman’s Office. A complainant reports that the food quality has improved. 3) A face-to-face visit is scheduled to confirm the facts. Follow-up will be kept.

Victim identification is the substantial part of getting support and resources on time and with priority. The deal should be dignified, and provide the opportunity to safely resume the chosen life. Protection prevents re-victimization upon re-entry into society.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/Reporte_DH_16_2020.pdf

August 20, 2020

GENERAL REPORT

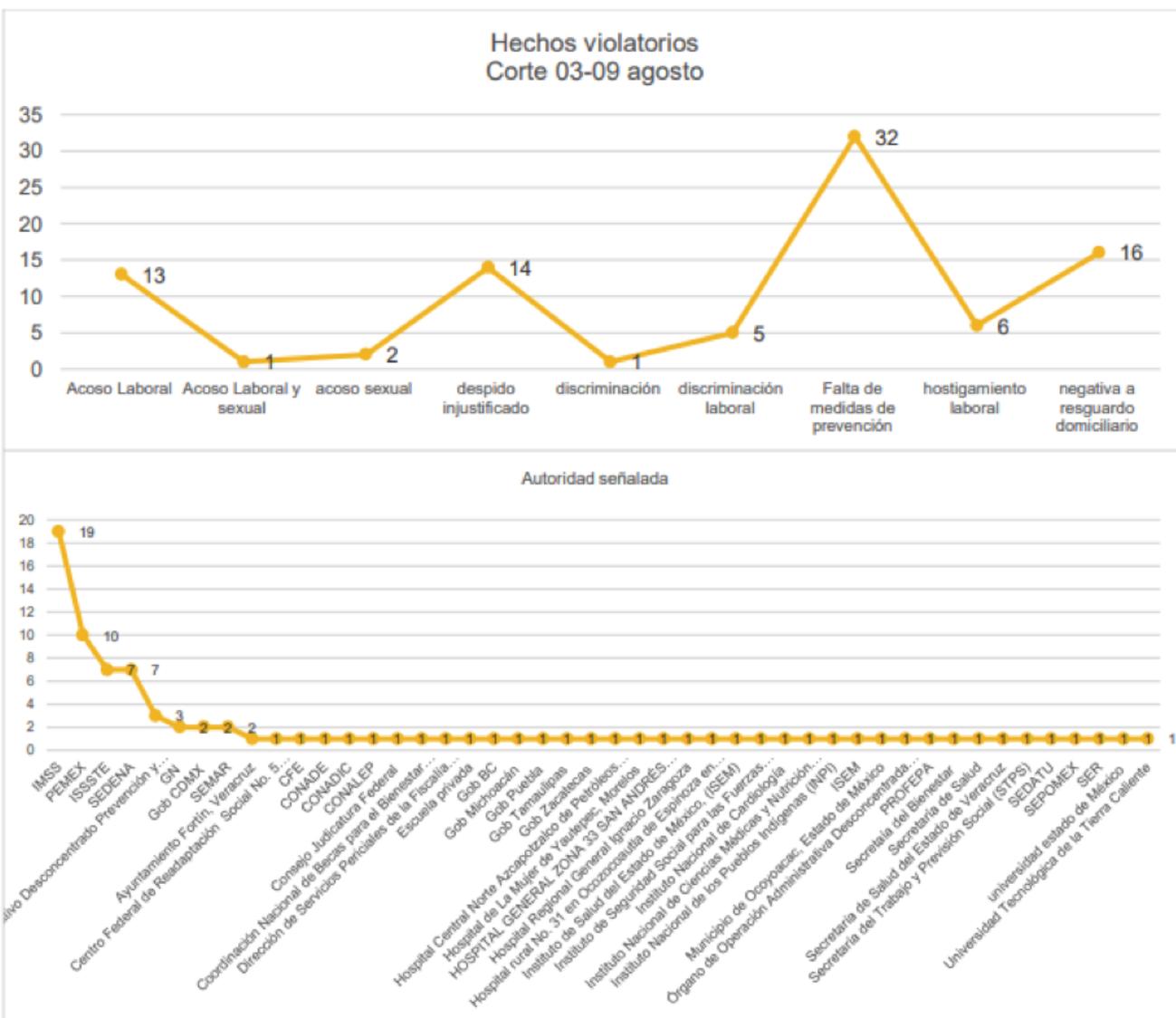
In addition to following up on complaints about protective measures in the workplace, the National Human Rights Commission (CNDH) observes and monitors the provision of environments free from discrimination and harassment.

With regard to safety guidelines for the protection of female and male workers, both physical distance and sanitation measures are reviewed, as is the provision of equipment in the event of activities involving high levels of risk.

The labour Authority has the obligation to provide employers with the available Information resources, and to make it accessible to them so that they know the recommendations and advice for keeping their workers safe.

Regarding employers' figures, this Organism suggests that they assume the responsibility of implementing, updating or reactivating policies and personnel training, with the aim of providing working environments free of harassment, where sexual or non-sexual stalking behaviour is not tolerated. It is the duty of employers to have codes of conduct that prevent and eliminate harassing attitudes.

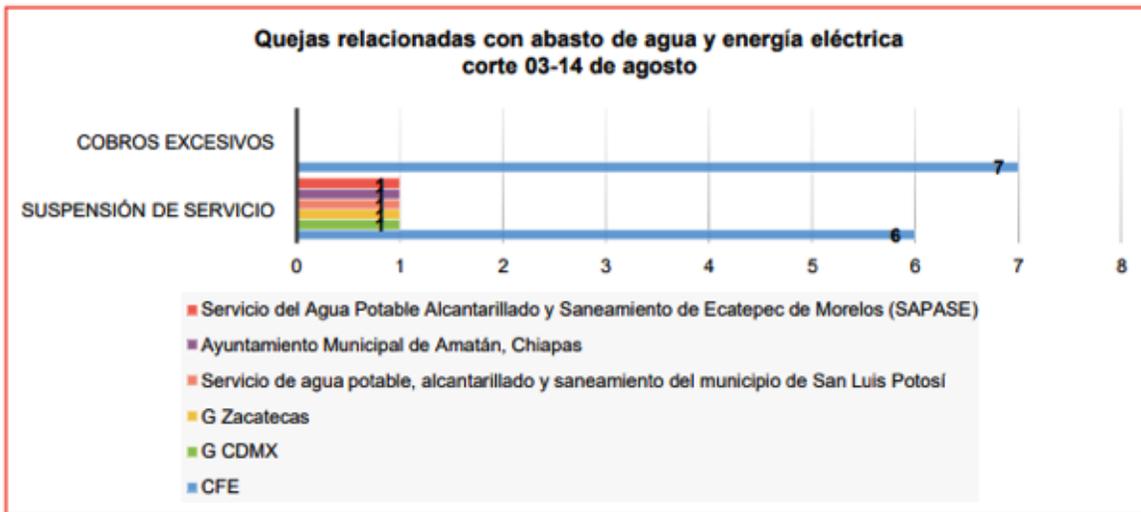
To the CNDH, is essential to ensure workplace accountability measures and reliable internal systems for complaints, which recognize the rights of victims to both anonymity and full certainty that they will be no reprisals. Only by ensuring these aspects can complaints be encouraged, and can prevent workers from continuing without facing harassment for fear or lack of support.



Violations in work environments and Authorities indicated.

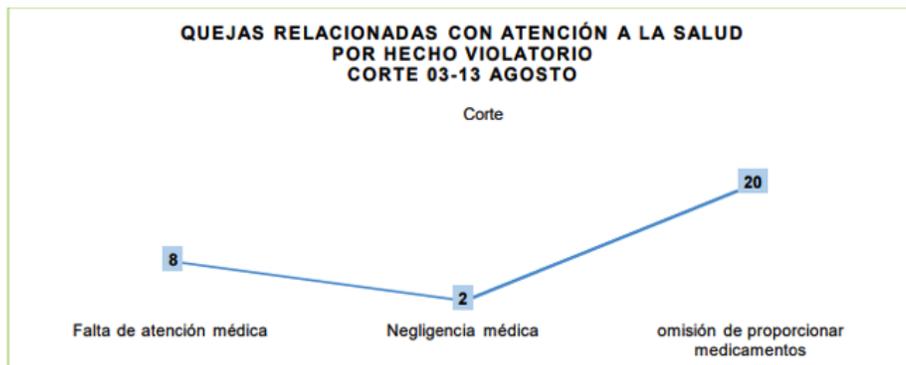
Likewise, for this National Organism in any environment without electricity and access to drinking water, innovation and progress are stopped and the right to an adequate standard of Health and well-being is undermined. For this reason, the CNDH follows with interest complaints about water scarcity or suspension of electricity service.

Access to water and sanitation is a human right related to the possibilities of raising Health levels in the Population. Lack of the vital fluid represents, in human rights concepts, an impact on dignity, health and life.



Complaints related to Water and Electricity Supply (August 03-14, 2020)

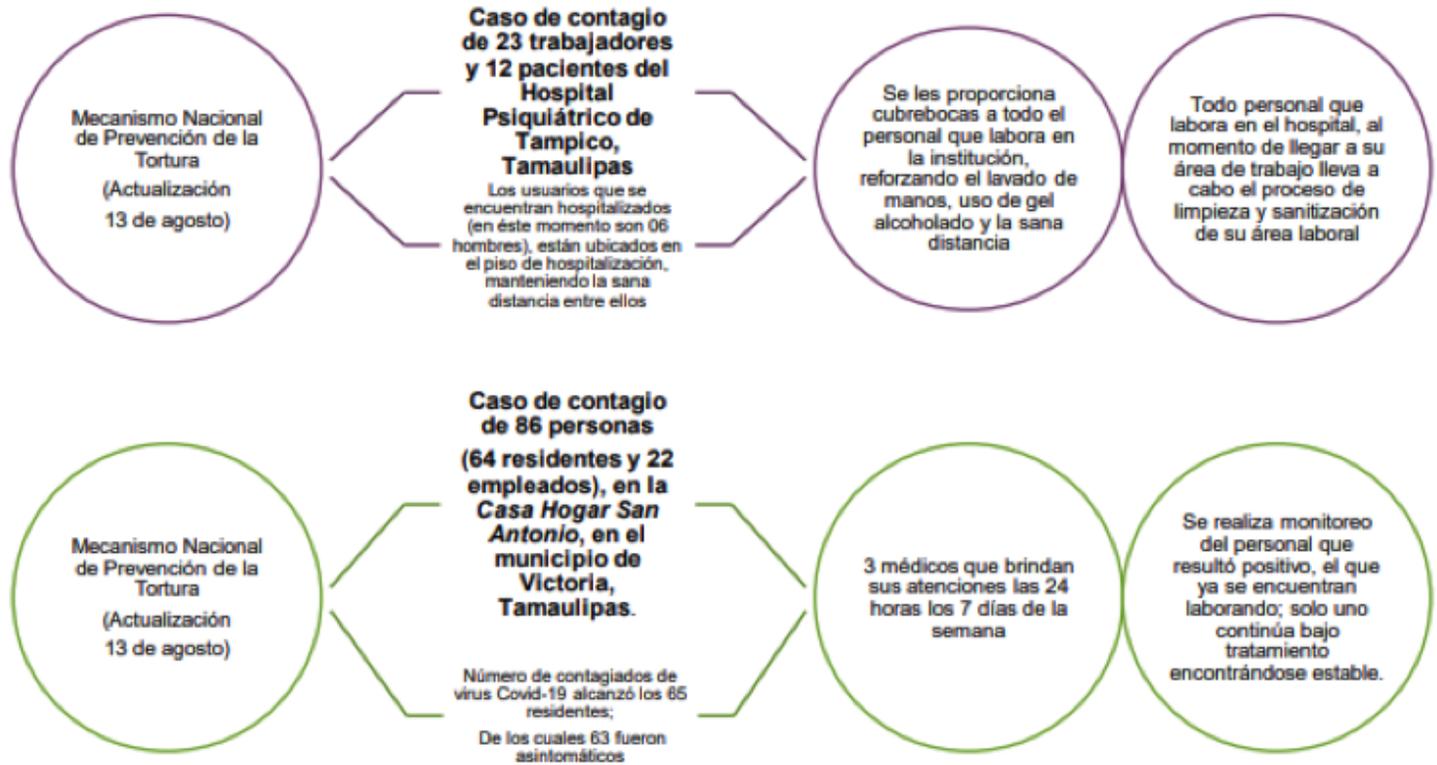
In the review of health care complaints, the challenges faced by the Health Sector authorities and personnel at this pandemic's stage are taken up; however, this CNDH monitors for adequate health care, ranging from widespread violations of patients' rights to information, confidentiality, privacy and non-discrimination, to other forms of misconduct or degrading treatment. Patient care has to be provided with a human rights motivation, increasing the demand when giving care to marginalized or vulnerable groups.



Complaints related to Health Care human rights violations. Complaints related to Health Care violations by authorities.

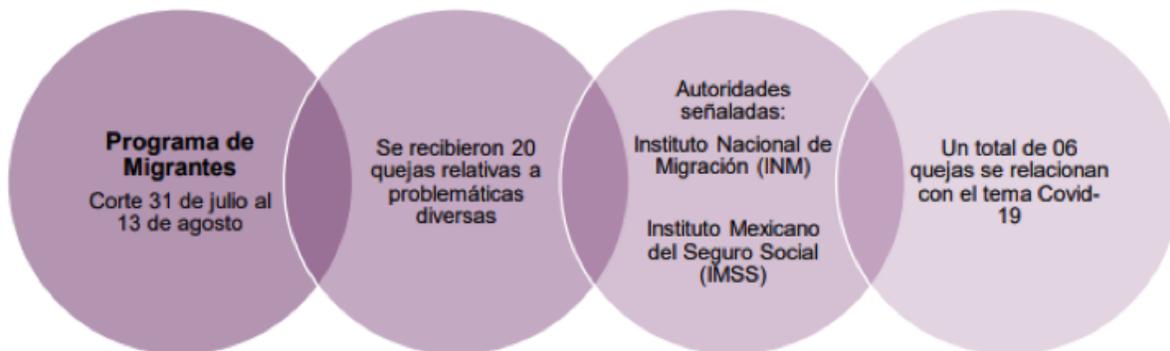
Since the beginning of the pandemic and the restrictive Health measures, this National Commission has maintained constant surveillance in prisons and places of detention, considering that persons deprived of liberty are often greater risk during public health emergencies, as they have fewer protections against an outbreak. It also has monitoring and treatment plans for anyone with COVID-19 symptoms, whether an inmate or someone in the penitentiary personnel.

From the follow-up of the cases of the patients of the Psychiatric Hospital of Tampico and the Foster Home San Antonio, in the municipality of Victoria, both in Tamaulipas, the following information is reflected:



Information about the cases with COVID-19 in the Tampico Psychiatric Hospital (upper block) and the Foster Home San Antonio, both in Tamaulipas.

The CNDH’s monitoring on migrants encourages actions that remove the obstacles faced by this population sector, so that it is able to request and receive help, and have access to public services. Pandemic experience confirms sustained approaches to migration and asylum, and to ensure accountability for any violation to these rights.



Migrants Program (July 31-August 13, 2020) > 20 complaints about several problems > Noteworthy authorities: National Institute of Migration (INM, Spanish acronym) and Mexican Social Security Institute (IMSS, Spanish acronym) > A total of 06 complaints relate to the COVID-19 topic.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/Reporte_DH_17_2020.pdf

August 27, 2020

GENERAL REPORT

Harassment and bullying in workplaces represent serious problems, as extreme factors between them and violence range from discourtesy to intimidation. However, in the end, it impacts on negative behaviours and effects of the same tone on productivity and the work environment.



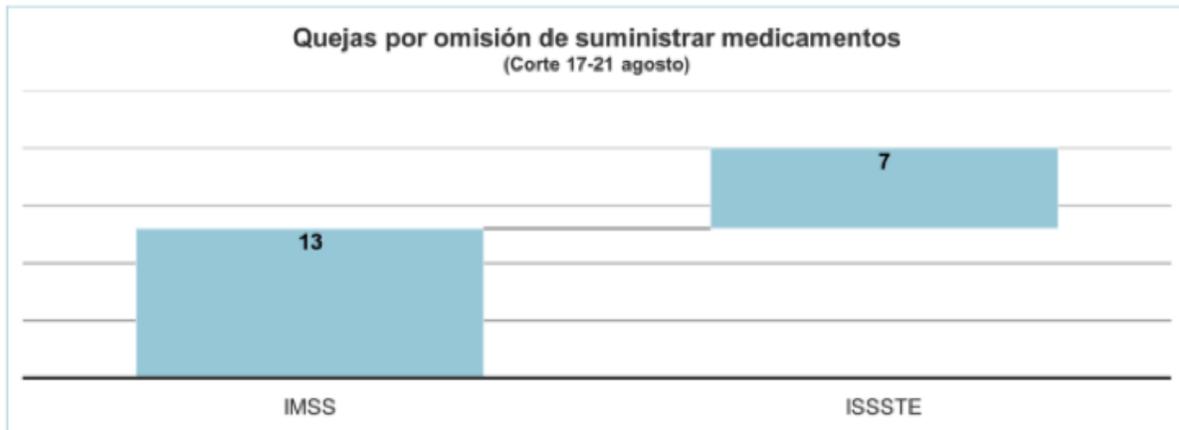
Complaints of workplace harassment. (August 10-16, 2020)

This Organism assumes that such misconducts are often not immediately recognisable, and may even occur without both parties, harasser and victim, being able to distinguish specific situations of violence, since these behaviours are conceived both face-to-face and through media messages. This is why there is an insistence on the implementation of policies that guarantee the eradication of such misbehaviour.



Complaints of provocation at work. (August 10-16, 2020)

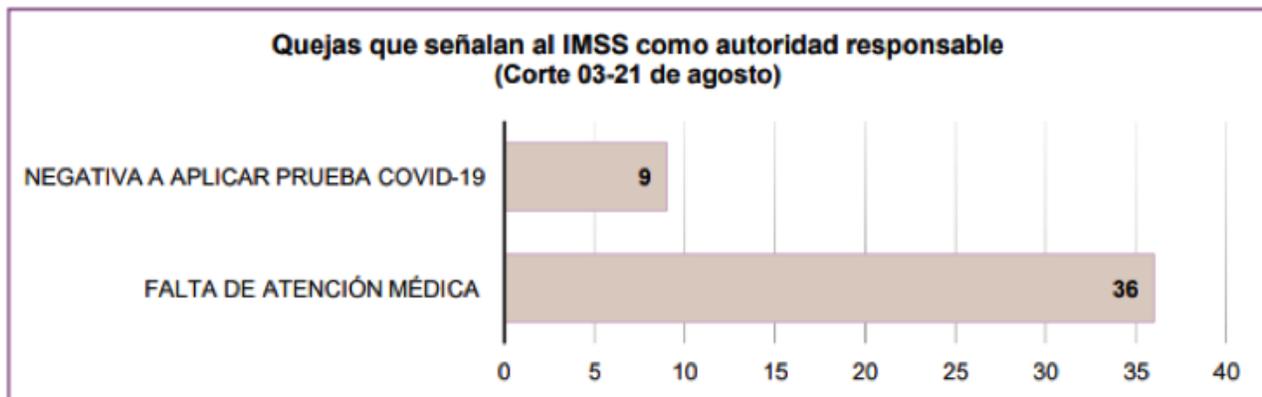
For this CNDH, the frequent supply of medicines in the public sector, and financing issues for essential medications, indicate a need to insist on implementing national policies that cross any barrier, resolving the supply trouble and supporting universal coverage schemes.



Complaints about failure to supply medicines. (August 17-21, 2020)

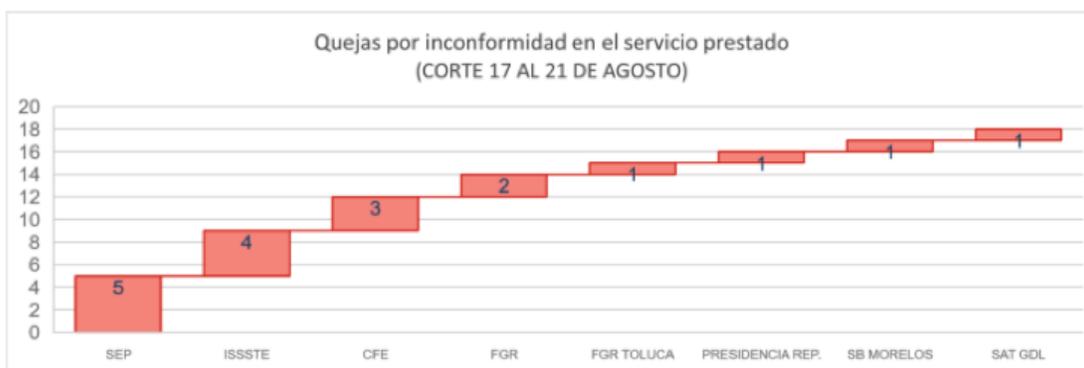
The testing application for COVID-19 se was implemented as part of a strategy to identify and contain the virus spread. They are mainly performed in people with symptoms characteristic of the disease. In some sectors the risk of contagion is so high that there is even a need for regular testing,

This Organism reiterates that, in order to achieve the goals of the right to Health, equal and respectful treatment must be ensured, and therefore vigilance focus on anti-discrimination and on providing adequate and timely Information. Both COVID-19 testing and treatment, and in general medical care, must be provided without discrimination.



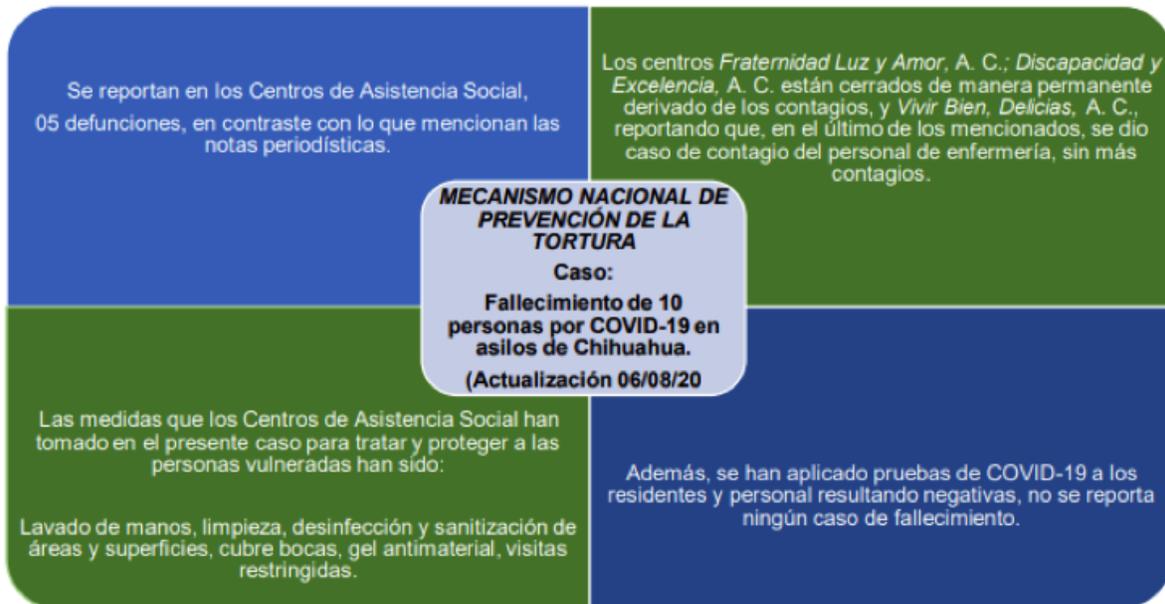
Complaints that point to the IMSS as the Responsible Authority. (August 03-21, 2020)

For the CNDH it is clear that the disruption of activities by the current pandemic emergency has made it difficult to combat the virus spread, putting public service workers at the frontline of a need to respond to the crisis with a clear route. Therefore, the provision of services and their attention requires specific training for public servants in order to promote efficiency and quality to comply with the citizens’ demands of having competent officials who work in transparent, responsible and humanistic manner.



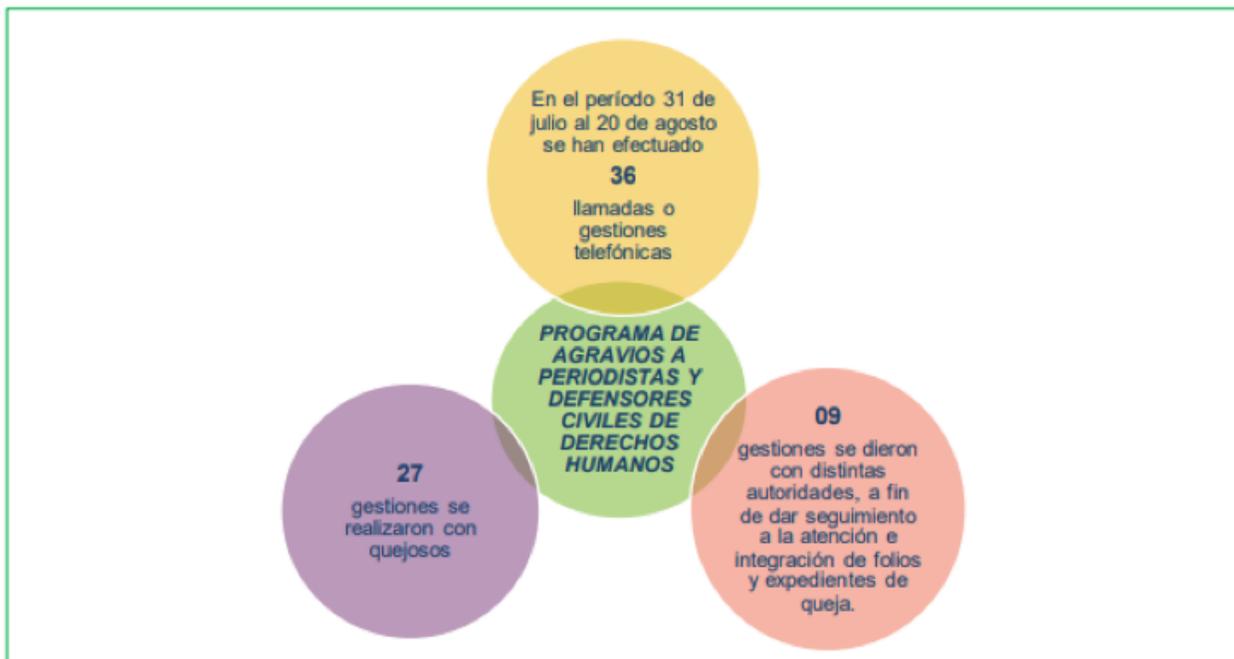
Complaints of non-conformity with the service provided. (August 17-21, 2020)

The National Human Rights Commission monitors penitentiaries to prevent cases of torture or mistreatment. It has intensified its implementation, as it helps to promote the protection of human rights among persons deprived of their liberty.



National Mechanism for the Prevention of Torture.
Case: Death of ten people by COVID-19 in asylums in Chihuahua.
(update: August 06, 2020)

Journalism became an essential activity during the pandemic, due to the follow-up that this type of experience involves. However, to the risks already implanted in this profession, such as censorship or the rejection of broadcasts with specific forms of intimidation, must be added other related to health protection.



Program of Grievances to Journalists and Civil Human Rights Defenders: From July 31 to August 20, 2020 have been made 36 telephone calls, 27 arrangements with complainants, and 09 steps with various authorities, in order to follow up on the care and integration of complaint sheets and files.

The CNDH reiterates to the People of Mexico that its doors, telephones, e-mail and institutional website are open to address any report or complaint.

https://www.cndh.org.mx/sites/default/files/documentos/2020-08/Reporte_DH_18_2020.pdf

Trending Topics



International Cooperation Actions in Defence of Human Rights



EXECUTIVE SECRETARIAT

With the aim of promoting and strengthening the human rights culture in Mexico, as well as maintaining a permanent in and joint work with the international community, through its Executive Secretariat the CNDH promotes and strengthens relations with international public, social and/or private bodies; is updated, and analysed and participates through studies on international treaties and conventions in accordance with its terms of reference, in addition to maintaining close communication with the national and international population to promote its activities through the coordination of diverse diffusion mechanisms.

Networking and Collaboration with United Nations (UN) System Agencies

The National Human Rights Commission (CNDH) responded to the Questionnaire sent by Catalina Devandas Aguilar, United Nations Special Rapporteur on the Rights of Persons with Disabilities, to develop guidelines on cooperation with that office and the National Human Rights Institutions (INDH), which was integrated into the Questionnaire and sent to the Special Rapporteur.

Inter-American Human Rights System (OAS)

The CNDH integrated the report with the risk assessment and protection measures for the members of the indigenous community of Choréachi, in the state of Chihuahua, Mexico, which was sent to the Secretary of the Inter-American Court of Human rights (Corte IDH, Spanish acronym). This, in order to comply with the request of this international organism regarding Report 24 of the Resolution issued on June 10, 2020, in relation to the interim measures ordered in the case *Integrantes de la Comunidad indígena de Choréachi respecto de México (Members of the Indigenous Community of Choréachi in Relation to Mexico)*, which requests the Commission to submit a report directly to the International Tribunal aforementioned on its assessment of the risk situation and the measures for the protection of human rights that may be implemented in favour of the promoters.

Global Alliance of National Human Rights Institutions (GANHRI)

It was prepared and sent the CNDH's contribution to the Consultation of the policy guidelines for the implementation of the Sustainable Development Goals, in line with the *Convention on the Rights of Persons with Disabilities*, prepared by the GANHRI.

Ibero-American Ombudsman Federation (FIO)

It was integrated and sent a communication responding to the National Human Rights Commissioner of Honduras (CONADEH)'s request for activation of the FIO Protocol of Action for the Protection of Persons in Migration Context, so that the CNDH can provide support to the Honduran truck men located in Chiapas (border between Mexico and Guatemala) since with frontiers' closure, for four months they have been grounded and they are in a precarious situation and in physical danger.

Inter-Institutional Cooperation

The CNDH sent a communication to the Embassy in Mexico of the United States of America, with Information about the complaints received by this National Organism between January and July, 2020, in order to comply with the request of Helena Gutiérrez Barillard, specialist in Political Affairs of that embassy, where she asks the CNDH for inputs for the preparation of its Annual report on Human Rights in Mexico 2020.

In August, five information requests from the Directorate General for Human Rights and Democracy of the Ministry of Foreign Affairs (SRE) were answered on the following issues before the Inter-American Commission on Human Rights:

- August 7. Primitivo Amaya Díaz.
- August 19. Javier Herrera Valles, Arturo Herrera Valles and Family.
- August 25. Tragedy of the *Guardería ABC* (ABC Childcare Centre).
- August 25. Jorge Antonio Parral Rabadán.
- August 27. Laura Verónica Brusa.

This National Commission also answered the Information request from the Directorate General for Human Rights and Democracy of the Ministry of Foreign Affairs on complaint 992/2020 *Damián Gallardo Martínez and others*, which is currently before the Committee against Torture of the United Nations UN.

The CNDH replied to the Information request of the Directorate General for Human Rights and Democracy of the Ministry of Foreign Affairs on case WGAD/2020/MEX/CASO/3 *Verónica and Erick Razo Casales*, which is currently before the UN Working Group on Arbitrary Detention.

Likewise, a response was given to the Information request from the Directorate General for Human Rights and Democracy of the Ministry of Foreign Affairs regarding the Urgent Action 881/2020 of the UN Committee on Enforced Disappearances, on alleged enforced disappearance of *Carlos Frayre Castro*, in Ciudad Juárez, Chihuahua.

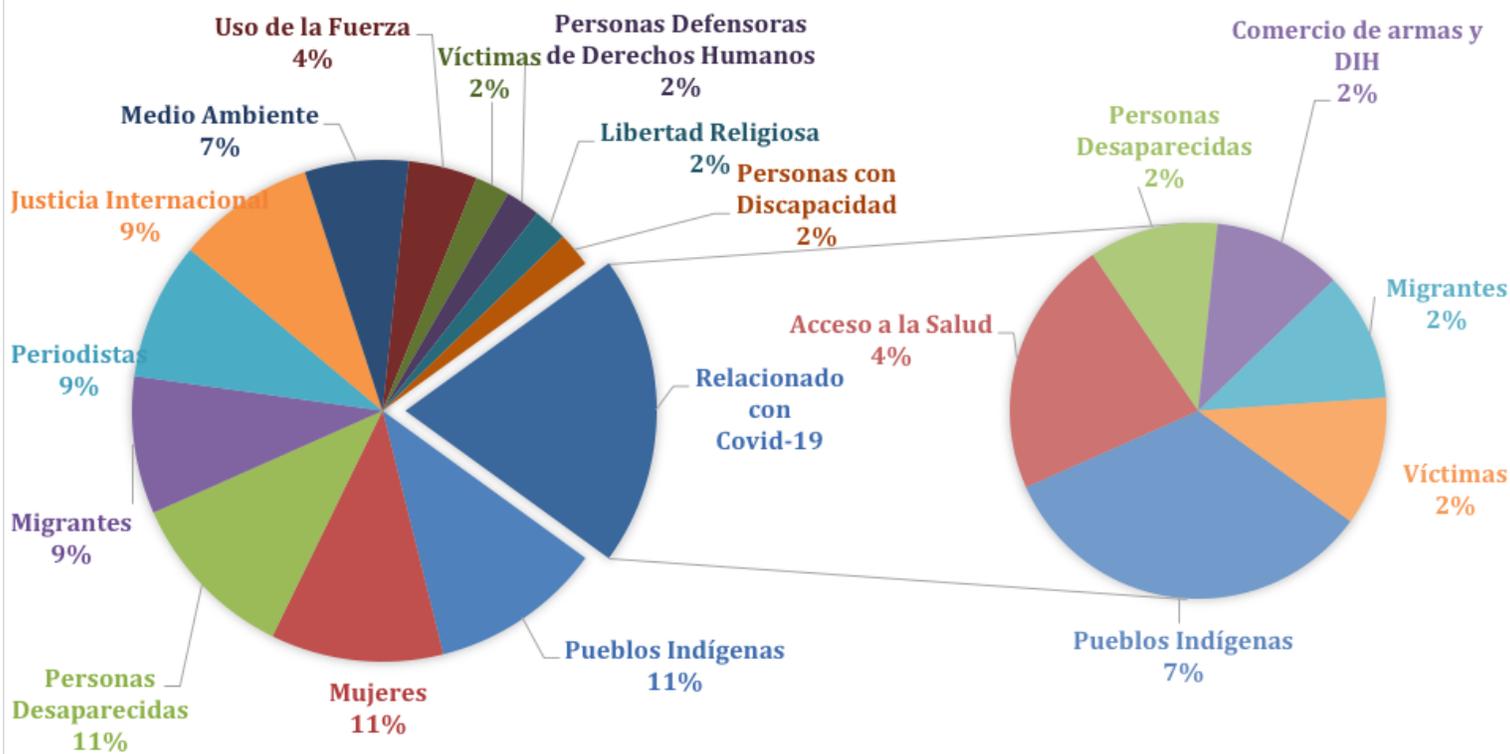
A communication was sent to the SRE in response to the request of Information from its Directorate General for Human Rights and Democracy, in which the CNDH is requested to provide additional Information for the preparation of the reply to the List of Issues of the Committee on the Rights of Persons with Disabilities, in connection with the process of supporting Mexico's periodic reports 2 and 3 combined, on the implementation of and compliance with the *Convention on the Rights of Persons with Disabilities*.

International Non-Governmental Organizations

AUGUST 2020

Through the Executive Secretariat’s General Direction of International Organisms, the National Human Rights Commission (CNDH) carries out monitoring and follow-ups of the international Non-Governmental Organizations (NGOs). In August, 23 NGOs were active, issuing several documents on the following topics:

TEMÁTICAS ABORDADAS POR ONG INTERNACIONALES AGOSTO 2020



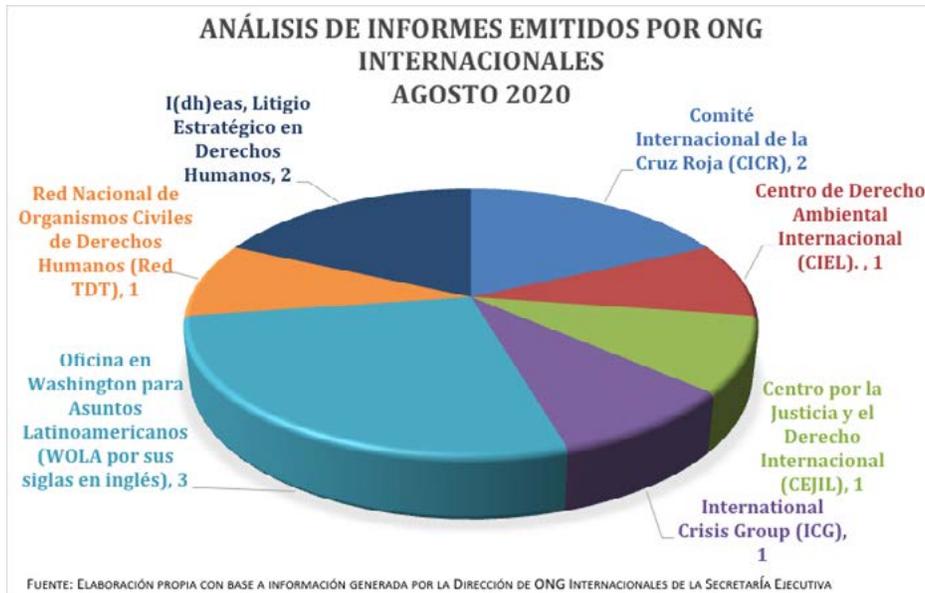
FUENTE: ELABORACIÓN PROPIA CON BASE A INFORMACIÓN GENERADA POR LA DIRECCIÓN DE ONG INTERNACIONALES DE LA SECRETARÍA EJECUTIVA

NGOs’ highlighted the topical importance of those cases linked to the COVID-19 pandemic. As can be seen from the graphic, the main topics are: Indigenous Peoples, Access to Health, Missing Persons, Arms Trade and International Humanitarian Law (IHL), Migrants and Victims.

ANALYSYS OF REPORTS ISSUED BY NGOs

AUGUST 2020

During August, eleven reports submitted by seven international NGOs were reviewed, focusing on issues related to the prevention and eradication of Trafficking in Persons; Migrants; Human Rights Defenders, and Women (including trans women) in Detention. In addition, it also emphasises their annual activity reports, where they enlist their achievements during 2019 and the challenges to face in the following years.



Detail of reports⁵.

5 **1.** International Committee of the Red Cross (ICRC). Report: *ICRC in Mexico Response to the COVID-19 Emergency*: <https://bit.ly/2RhfH77> **2.** International Committee of the Red Cross (ICRC). Publishing: *Preparation, Prevention and Control in Relation to COVID-19 in Prisons and Other Places of Detention*: <https://bit.ly/2FmdR2b> **3.** Centre of International Environmental Law (CIEL). Report: *Additional Warnings Against Investment in Oil and Gas: Debt-Driven Dividends and Sale of Fixed Assets*: <https://bit.ly/3mcozcb> **4.** Centre for Justice and International Law (CEJIL). Publishing: *Migratory Policy in the United States: A Newsletter for Mesoamerican Organizations. June 2020*: <https://bit.ly/33aZAgI> **5.** International Crisis Group (ICG). Report: *CrisisWatch Monitoring Conflicts in the World. July 2020*: <https://bit.ly/32joxr7> **6.** WOLA. Report: *Trans Women Behind Bars: Resistance Strategies in the Covid-19 Pandemic*: <https://bit.ly/3maxZoH> **7.** WOLA. Report: *Prisoners at Home: Women under House Arrest in Latin America*: <https://bit.ly/2ZqANnP> **8.** WOLA. Report: *Alleviating Prison Overcrowding: COVID-19 Time Lifeguard*: <https://bit.ly/3k6rC46> **9.** National Network of Civil Human Rights Organizations. All Rights for All (Red TDT). Report: *Legislation, Public Policy, and Human Trafficking*: <https://bit.ly/3mc14jK> **10.** I(dh)eas. Strategic Litigation on Human Rights, A.C. Publishing: *Diagnosis of the Situation of Human Rights in Mexico, and Recommendations Addressed to the Mexican state and the European Union*: <https://bit.ly/32fydOC> **11.** I(dh)eas. Strategic Litigation on Human Rights. Report: *Annual Report 2019*: <https://bit.ly/32joU4Z>

Executive Secretariat's Mechanisms for Broadcasting Information

Aware that one of the most effective ways to contribute to the building of a culture of human rights is to keep the population close and informed, through its Executive Secretariat the National Human Rights Commission provides the necessary to know what are the powers of this National Organism, and the activities it carries out inside and outside the country.

Through publications, forums and talks, among other resources, the CNDH offers society the possibility to stay updated in its work, and in a myriad of topics that various national and international institutions and agencies address to promote the protection and defence of human rights, particular those of the most vulnerable groups, from different spheres, thus facilitating the exchange and reflection with respect to trends in the international sphere for the implementation of strategies in this area..

In this regard, the following electronic publications are issued regularly through the Directorate of Analyses and Broadcast.

<https://www.cndh.org.mx/educacion/publicaciones-periodicas>

Perspectiva Global (Global Perspective)

Is a weekly edition for everybody. Its content is thematic and includes news of national and international relevance in terms of human rights, reports, historical and contemporaneous articles, interviews, Recommendations, and books and films' reviews. It highlights important activities of various Ombudsmen's Offices in several countries, as well as the promotion and dissemination of commemorations corresponding to the special National and International Days of each week, among other topics. As its name suggests, the content is approached from a global perspective.

During August, four magazines of the weekly *Perspectiva Global* were produced and published on the CNDH website.

This month, four releases were published on the CNDH website. Among the topics included are: Birth of Simón Bolívar; Shooting of Miguel Hidalgo y Costilla in Chihuahua, México; International Day of Remembrance of the Slave Trade and its Abolition; Birth of Manuel Crescencio Rejón, *Father of the Amparo Trial*; International Youth Day; Birth of Fidel Castro, symbol of resistance in the world and defender of the sovereignty and independence of his country; Birth of Vicente Guerrero, insurgent who consummated the independence of Mexico, and First Afro-Mexican president; International Day of the Victims of Enforced Disappearance, and Rosendo Radilla, a victim of enforced disappearance, among other themes.

For consulting *Perspectiva Global*: https://www.cndh.org.mx/Educacion/Perspectiva_Global



Carta de Novedades and Newsletter:

Is a monthly publication, which mainly includes the CNDH’s activities and the national and international events, particularly those of its president, actions in defence of human rights, summaries of the latest Recommendations issued, some press releases, and relevant documents. It also presents trends of the month on actions of international cooperation, unconstitutionality, unconstitutional controversies, and mechanisms of information, education and promotion in human rights, among other tasks. This

electronic version is for further consultation by organizations and institutions specialising in human rights, and it is available on our institutional website, together with its English version (Newsletter).

For consulting, in Spanish and English, the *Carta de Novedades*: <https://www.cndh.org.mx/Educacion/Carta-Novedades>



Commemorative Dates

In order to publish national and international days, weeks, years and decades, chronicles are produced for publication on the CNDH webpage. We find data on the more representative events, happenings or relevant facts related to human rights and other national or international issues of importance; historical memory, which offers a reminder about the social organizations, struggles and movements in face of complaints and violations of their human rights, as well as contributions to the emergence and recognition of human rights that prioritize human dignity.

Some August relevant dates referred to the rights of: Indigenous People, Victims of Terrorism, Remembrance of the Slave Trade and its Abolition, Victims of Enforced Disappearance, and Mexican and foreign characters who have contributed to the defence of human rights and the struggle for dignity.



Actions of Unconstitutionality

On former August 03, the National Human Rights Commission (CNDH) filed with the Supreme Court of Justice of the Nation (SCJN) 46 applications⁶ for Action of Unconstitutionality that seek to protect several human rights in Mexico.

Action of Unconstitutionality 217/2020

August 03, 2020

Among the 46 lawsuits, in August we have the one concerning the reforms to the Federal Copyright Law, and the Federal Penal Code. According to the analysis of various national and international civil organizations specialized in this matter, the approved reforms enable online censorship, due to the establishment of the “notification and withdrawal” mechanism, and favour the privileges of large corporations over the self-determination that people in Mexico have in the use of their devices, in the absence of any exceptions to the circumvention of technological protection measures.

The CNDH aim is for the SCJN to rescind the reforms published in the *Official Journal of the Federation* on July 01, 2020, in the framework of the harmonization of National legislation with the intellectual property chapter of the Treaty between Mexico, the United States and Canada (T-MEC), with specific reference to Articles 114 Quáter, 114 Quinquies, 114 Octies, fractions II, subparagraph a) —except its numeral 2—, and b), and III, 232 Bis, and 232 Ter, of the Federal Copyright Law, as to the several 427 Bis, 427 Ter and 427 Quáter of the Federal Penal Code.

Constitutional and treaty stipulations deemed to be violated:

- 1, 6, 7, 14, 16 y 17 of the Political Constitution of the United Mexican States.
- 2, 8, 9 y 13 of the American Convention on Human Rights.
- 14, 15 y 19 of the International Covenant on Civil and Political Rights.
- 14 of the Additional Protocol to the American Convention on Human Rights on Economic, Social and Cultural Rights (*Protocol of San Salvador*)
- 15 of the International Covenant on Economic, Social and Cultural Rights.

Fundamental rights deemed to have been violated:

- Legal Certainty
- Freedom of Expression
- Due Process
- Judicial Guarantees
- Essential Formalities of the Procedure
- Freedom of Work
- Private Property
- Principle of Legality in its taxative aspect⁷

⁶ Available at: <https://www.cndh.org.mx/tipo/209/accion-de-inconstitucionalidad>

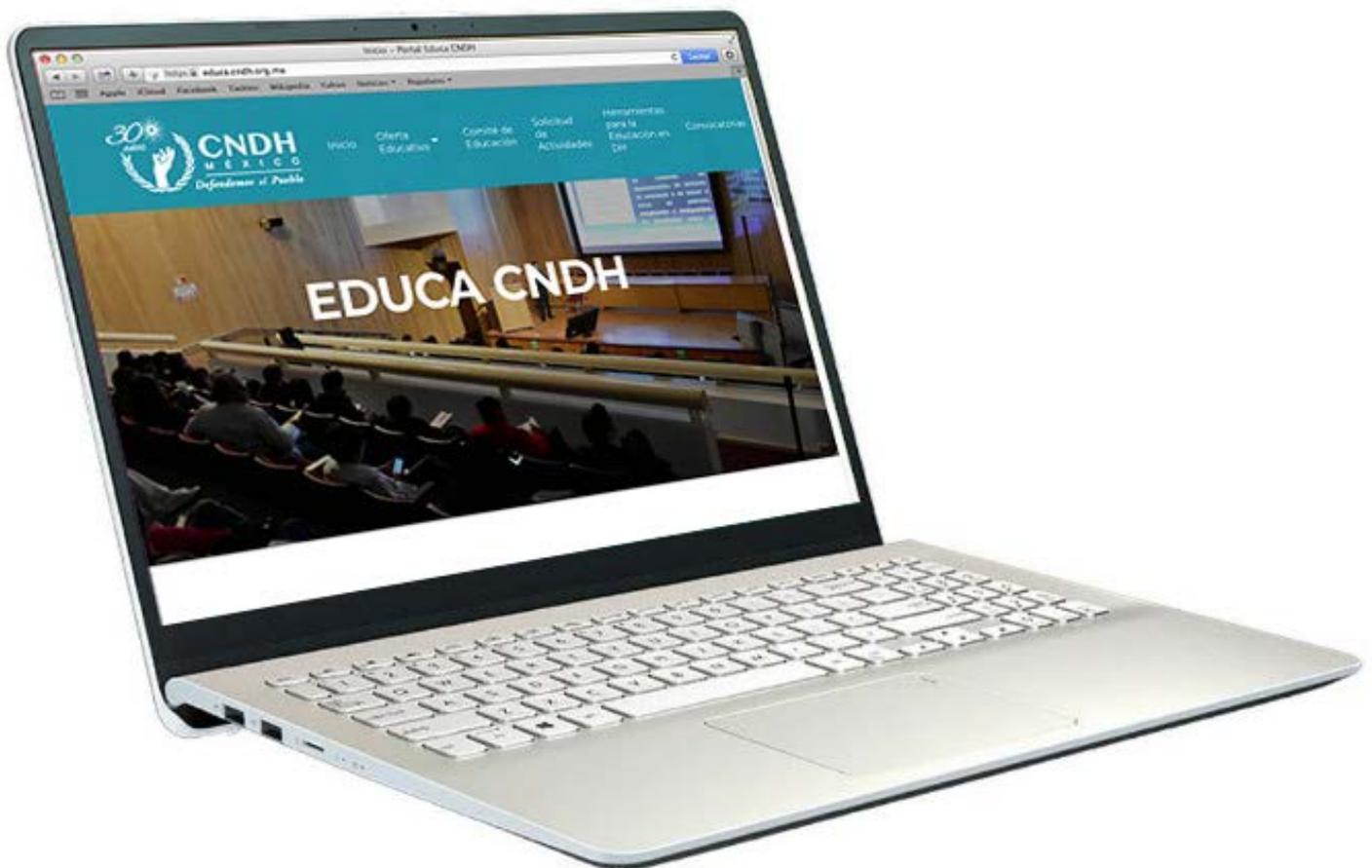
⁷ The typical description of the norm should not be vague, imprecise, open or broad to the extent that it allows arbitrariness in its application.

Know your Human Rights

EDUCA CNDH

One of the CNDH objectives is to contribute to create a culture of human rights respect through the education and tutoring of people; therefore, the general Directorate for Human Rights Education of the Technical Secretariat of the Advisory Council offers a series of On-site and online educational activities, through its “EDUCA CNDH” entrance.

We invite you to explore our page and learn about our face-to-face and on distance educational offer. Courses, workshops diplomas and conferences provide an overview of human rights, facilitating their understanding and highlighting the importance of respecting them in all the settings of our daily life.



Free Online Education

<https://educa.cndh.org.mx/>

App CNDH ATTENDS

The free APP where people can enter a complaint online when their human rights have been violated by actions or omissions from an Authority or public servant.

Also, a space to know, according to the attention to a complaint, the procedural status of previously registered human rights matters.

Available in iOS y Android



App COVID-19 Monitoring

This App is developed to explain the general data about the COVID-19 pandemic. It presents international and national information from official sources, as well as an overview of the exposure and vulnerability of the Mexican population.

The material presented in this application is updated in real time depending on the source. International information is renovated hourly; national cases info is updated daily, and diagnostic information is described annually.



<https://www.cndh.org.mx/web/aplicacion-para-el-monitoreo-del-covid-19>

Manuel Crescencio Rejón

Manuel Crescencio García Rejón, son of Manuel García Rejón, from Valladolid, and Bernarda de Alcalá, was born on August 23, 1798, in Bolonchenticul, a town of the Chenes region, in the northeast of present-day Campeche state. He is considered *Father of the Amparo Trial*, the archetype of the constitutional defence, of the human rights in the World. Considered equally a lawman, diplomat, treaty-maker and statesman, is above all a pioneer of the country's great liberals generation⁸.

Crescencio Rejón Consolidated himself as a man of law: his various actions as legislator, constituent, as consultant, abounded particularly during the decade between 1820 and 1830⁹. On the other hand, Crescencio is remembered for being the creator of the Amparo Trial, a constituent law that protects human rights in Mexico, being one of the most recognized laws in the country.

Among some relevant aspects of Manuel Crescencio García Rejón public life stands out the fact that he was the first deputy in Mexico who pronounced for the abolition of the death penalty¹⁰.

He became intensely involved in the politics of the period, from conspiring against Iturbide to participating in the drafting of the Federal Constitution of 1824, and to stand out in the integration of re-composition of the Masonic lodges, being, first, Scot and then "Novenary". He was a member of the Radical Congress of 1833, as a senator, where he tried to carry out the first reform, dictating a series of measures on the occupation of ecclesiastical property, elimination of civil coercion for the tithes payment and the fulfilment of monastic bows, as well as the educational reorganization with a more effective control. In 1840, this liberal politician presented a draft Constitution for the state of Yucatán, this being a great step in Mexican legal development, since in

addition to including the establishment of religious tolerance and direct voting for the election of several representatives, it also proposed the establishment of the amparo trial, based on the supremacy of the United States judicial system¹¹.

Later, in 1843, he returned to Mexico City and was appointed Minister of Foreign Affairs, a position held during three presidencies: those of Santa Anna, José Joaquín de Herrera and Valentín Canalizo. In 1846 he was elected deputy for the Federal District, and president of the Commission of Constitutional Points¹².

At the Federal level, with the help of Mariano Otero, Rejón established the aforementioned amparo trial, in Article 25 of the Constitutive and reforms Act of 1847. It appeared already constitutionally regulated, for the first time, in the Constitution of 1857, and remained in the current one, since 1917.

The amparo trial is a right and a guarantee, that is, it is a right that all people have to be able to access an effective remedy for the protection of their human rights, and to go before the competent national courts when a human right is violated by an act or omission of any authority, and it is considered a legal instrument to protect what our Constitution and international covenants recognize. The purpose of the amparo trial is to invalidate the aforementioned actions or strip it of its effectiveness due to its unconstitutionality or illegality in the specific case of origin.

In Mexico the one in charge of its application is the Federal Judicial Power, made up of the Supreme Court of Justice of the Nation (SCJN), the Collegiate Circuit and Unit Courts, the District Courts and, in some cases, the judicial powers of each state and of the Federal District, who, in their different powers, with impartiality, Independence and autonomy, promote respect for the rights of the governed recognized in the Federal Constitution, in international treaties and in the laws and regulations of our country legal system.

The reform of June 06, 2011 to the Amparo Law and that of June 10, 2011 in the matter of human rights, where international treaties on human rights are

8 <https://bit.ly/3ieVcnk>

9 <https://bit.ly/2ZnGzqf>

10 <https://bit.ly/2GPlz4p>

11 <https://bit.ly/3imYF3a>

recognized in constitutional scope, were of great importance in relation to the amparo and protection of human rights, since they introduce what is related to conventionality control, opening the way to file protection claims based on a treaty related to a human right not recognized in the Federal Constitution, and it is up to the judges to decide whether the internal norm adapts to the international law or if it is violated any human right that is not expressly recognized in our legal system. As Héctor Fix-Zamudio points out, they are the judges who has been considered as natural guardians of the rights of Mankind".¹²

In the international scene, the creation of the amparo trial was highly relevant, as it was recognized and established in Article 18 of the *American Declaration on the Rights and Duties of Mankind*; in Article 13 of the *European Convention on Human Rights*; in Article 7 of the *African Charter on Human and Peoples' Rights*, and in Article 8 of the *Universal Declaration of Human Rights*, which mentions:

Every person has the right to an effective remedy before the competent National courts, which protects him against acts that violate his fundamental rights recognized by the Constitution or by Law.

These are the main international grounds that, thanks to the creation of the amparo trial in Mexico by Manuel Crescencio Rejón, oblige the States and their inhabitants to have an effective remedy in their national legal systems, and to be able to exercise it before competent courts against acts and omissions of authority.

It is noteworthy that the Mexican Amparo has influenced since the 19th century in the creation of different modalities of constitutional protection in the rest of Latin America, for example in: Argentina, Colombia, El Salvador, Paraguay, Peru, Chile and Venezuela, among others. Some States have even adopted equivalent figures under another name, such is the case of Brazil with its *Mandato de Seguranca* (Security Mandate); Chile with its *Protection Resource* and Colombia with its *Tutelage Action*.¹³

Today we can emphasise that the best reforms are on the Mexican Constitution of 1917, since they are those related to amparo and human rights of June

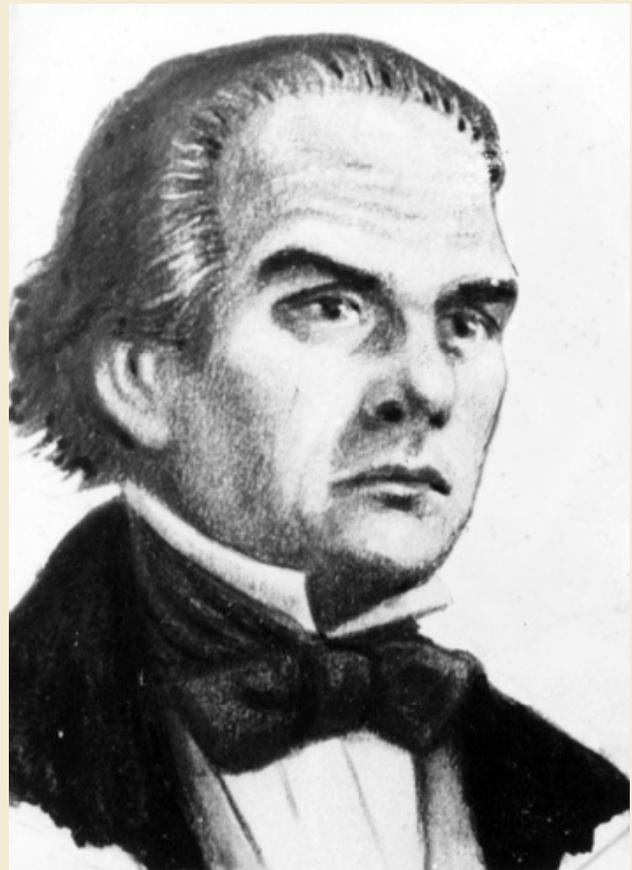
06 and 10, 2011. Thus, we can underline that the Amparo Trial has developed slowly and paused. However, since the June 06, 2011 reform, its evolution has been greatly enhanced compared to the 85 years of the Amparo Law (1936), achieving at last an effective amparo trial, protector of the human rights recognized in the Constitution and in international treaties¹⁴.

Manuel Crescencio Rejón died in 1849, in Mexico City.

For further Information, here you have some links to essays about the Mexican Amparo history.

<https://bit.ly/35tWirN>

<https://bit.ly/35wMFZg>



Manuel Crescencio Rejón. Image from the Fototeca Nacional (National Photo Archive), D.R. National Institute of Anthropology and History (INAH, Instituto Nacional de Antropología e Historia), Mexico.

12 Flores Fernández, Zitlally, Zazueta Carrillo, Laura Wendy, *El Efecto Horizontal de los Derechos Fundamentales en el Sistema Jurídico Mexicano*, México, Editorial Flores, 2014, p.106

13 <https://bit.ly/2DMhv4K>

14 <https://bit.ly/2DMhCOa>



**THE CNDH PROMOTES
AND PROTECTS YOUR
RIGHTS**

Secretaría Ejecutiva
República de Cuba #60, Centro Histórico, Cuauhtémoc,
C.P. 06010, Ciudad de México.

Teléfonos: (52 55) 55127294 Ext. 4243
(55) 56 81 81 25 y 54 90 74 00
Lada sin costo: 01 800 715 2000

Correspondencia
Inavaa@cndh.org.mx

President
Rosario Piedra Ibarra

First General Director
José Martínez Cruz

Second General Director
Carlos Fazio Varela

Third General Director
Hilda Téllez Lino

Fourth General Director
Javier López Sánchez

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