

Monthly summary of CNDH actions FEBRUARY 2024 | N° 372



Economic Rights Forum: CNDH calls to reverse inequalities

reverse inequalities and human rights violations generated by neoliberalism in Latin America.

2 Recommendations for serious violations: To liberty, personal integrity and security, due process, and access to justicie.

29 Ordinary Recommendations: 14 were issued for the Mexican Social Security Institute (IMSS).

5 Actions of Unconstitutionality: For violating the right to legal certainty and the principle of legality, freedom of expression and assembly, and the right to prior consultation of persons with disabilities.

Diseño y formación

Dirección General de Difusión de los Derechos Humanos

Compilación de contenido

Dirección de Promoción y Divulgación de los Derechos Humanos se-divulgacion@cndh.org.mx

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Edificio Héctor Fix Zamudio

Secretaría Ejecutiva

Boulevard Adolfo López Mateos 1922, Col. Tlacopac, demarcación territorial Álvaro Obregón, C.P. 01049, CDMX.

Teléfonos: (52 55) 55127294 Ext. 8718 (55) 56 81 81 25 y 54 90 74 00 Lada sin costo: 01 800 715 2000

Sede Edificio Marco Antonio Lanz Galera **Quejas y Orientación**

Periférico Sur 3469, San Jerónimo Lídice, demarcación territorial La Magdalena Contreras, C.P. 10200, CDMX.

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PROMOTION OF HUMAN RIGHTS

THE PRESIDENT'S VOICE

Remarks by the president of the National Human Rights Commission at the opening of the Forum on Economic Rights

With the purpose of questioning and addressing the inequalities generated by the neoliberal model and its repercussions in the increase of poverty and social suffering, the inauguration of the "Forum on Economic Rights" took place on February 28th, within the framework of the seminar Towards a New Approach to Thinking and Public Policy on Economic, Social, Cultural and Environmental Rights in Latin America. During her inaugural speech, the president of the CNDH, Rosario Piedra Ibarra, highlighted the urgency of rethinking the current economic model, whose policies have increased inequalities and marginalized a large sector of the population. At the same time, she underscored the importance of working together with both social and governmental actors to design strategies that guarantee the full exercise of economic rights in the region.

Good morning to all of you. In the new CNDH we are committed to opening and building new horizons in the area of human rights, particularly those that were most punished in the past three decades: economic, social, cultural and environmental rights. The forum held in January focused its objectives on the analysis of cultural rights and allowed us to identify the most important elements of the agenda in this area, not only in Mexico but also in several Latin American countries.

As part of the process of discussion that we intend to have on each of the economic, social, cultural and environmental rights, or DESCA, as we commonly call them, it was decided to address in this forum the economic rights that are of particular interest to us in Latin America. This is because the progressive application, since the 1980s, of the neoliberal model throughout our region has inevitably determined our current economic reality, especially with the implications of a very serious increase in inequalities that must be reversed.

In Mexico, it has just been 30 years since the entry into force of the North American Free Trade Agreement, which implied the intensification of the neoliberal paradigm, affecting entire generations; a burden that we are beginning to overcome and that we have the obligation to leave completely behind. In this transformed National Commission, we have no doubt that there is an indisputable correlation between the structural violations of human rights and the implementation of neoliberalism, and that its consequences implied an increase in poverty and social suffering, a scandalous inequality



Photograph by CNDH

in the distribution of income and an unusual concentration of wealth and ownership of the means of production, to the serious detriment of the majority. Something that can only be called the greatest systematic violation of human rights experienced by our country in its entire history. Likewise, we are now corroborating how this model that was sold to us as a panacea also resulted in an indiscriminate depredation of natural resources, in the irreversible loss of species, natural areas and biodiversity.

Neoliberalism, with its totalitarian mercantilist vision, has also fostered a voracious extractivism that has caused the displacement of native peoples, making their way of life precarious, as well as poisoning their lands and waters. In addition to the enormous corruption that this model has fostered to enormous extremes, the violence that it has left behind has encouraged the generation of violent groups that have amplified the dispossession, sowing fear and increasing the gravity of the situation of many rural and urban communities.

To go no further, another result of the imposition of that model is the extent of the migratory crisis in Latin America, which on the one hand is a consequence of the simplistic sale of the North American model of life for years, while the conditions of poverty and injustice of the families in the countries that today expel migration increased. We could spend hours enumerating each of the terrible consequences of neoliberalism in our countries, but suffice it to say simply that for us this is the reason why we have undertaken our transformation; we want human rights violations to be reduced, we want them to disappear.

And speaking about the forum that brings us together today, we are convinced of the importance of generating spaces such as this seminar, to reflect and propose alternatives that will allow us to take the great leap to a higher stage, that of a country where human rights are prevented, respected and lived. An effective analysis of human rights from the perspective of DESCA is indispensable to be able to place the social dynamics and a very broad set of principles and practices that imply the right to development and, together with it, the right to self-determination of peoples, both of which have been so violated in the last three decades, at the center of action.

One of the main motivations for the realization of this seminar has been to be able to know the experiences of brother peoples, to analyze them, to share them. But more than that, and above all, to accompany the multiple efforts made from the experience of communities and social movements to keep up the struggle for a more just world and towards a full and total liberation.

One aspect that we are particularly interested in promoting in this forum is to be able to understand and define in a comprehensive manner the way in which economic rights can be structured and defined in order to guarantee to all people, individually and collectively, the satisfaction of their minimum needs and the development of their capabilities, seeking to achieve the highest possible level of a dignified life. We speak not only of satisfying the basic needs of food, health, education, housing and work, but also of the right to a healthy environment and access to culture, all of which implies being able to achieve the ideal of the human person, of the social being that we are, in the exercise and fullness of all our material and spiritual potentialities.

It should be emphasized that in Mexico these rights are enforceable and justifiable before the authorities because they are recognized in our Constitution. Therefore, we are especially interested in learning about the formulas that allow us to structure economic rights that help to guarantee that companies do not affect the exercise of ESCR with their activities and that the right of every person to receive a fair and dignified salary is a reality throughout our Latin American region.

From the new CNDH we are convinced that it is possible, but also necessary, to build common objectives, commitments and agreements for the common problems that characterize the Latin American region. I hope that this seminar will show us ways to achieve this. I want to emphasize that it is our interest to summon and encourage the participation of universities, movements and all the referents of the Latin American social struggle. That is why today we are at the beginning of something that we want to be much bigger and transcendent. In this spirit, we intend to work in the coming months.

On this occasion, I sincerely thank the National Association of Democratic Lawyers, the Latin American Association of Labor Lawyers, the Pan American Committee of Social Judges, the Latin American Association of Labor Judges, and especially the Socio-legal Clinic of the Public Interest of the University of Caldas in Colombia for their support. We are encouraged by their participation and we are sure that together we will be able to consolidate this process as a historical reference in the field of economic, social, cultural and environmental rights for all of Latin America.

I will now proceed to open this seminar. At 10:30 a.m. on February 28, 2024, it is my honor to declare the opening of the "Economic Rights Forum" of the Seminar Towards a New Approach to Thinking and Public Policy on Economic, Social, Cultural and Environmental Rights in Latin America.

Congratulations and many thanks to all of you for your attention."

Read the press release at: https://goo.su/SPdn

Consult the complete forum in:https://goo.su/ QPZjw3 Remarks by the President of the National Human Rights Commission, Rosario Piedra Ibarra, on the occasion of the presentation of the Special Report on the Conditions of Migration Stations and Ranches: Towards a New Model for the Attention of Irregular Migration

In a context marked by the increase in human mobility at a global level, the National Human Rights Commission (CNDH) has become a fundamental voice in the defense and promotion of the rights of migrants in Mexico. In this regard, on February 9, the CNDH presented the Special Report on the Conditions of Migrant Stays and Stations: Towards a New Model for the Attention of Irregular Migration. This document, the result of an arduous investigation and analysis, puts forward proposals to reform the current model of migration management, focusing on guaranteeing respect for the human rights of people in a situation of mobility. During the presentation of the report, the president of the CNDH highlighted the importance of approaching migration from a humanistic perspective, based on the recognition of the dignity of each individual.

Good morning to all of you.

Migration is human. This National Human Rights Commission recognizes the migratory phenomenon as a human act and recognizes the powers of the States to regulate it, but, and in this we are emphatic, always placing the person and his or her dignity at the center.

The National Institute of Migration and its model of migratory stations was born in 1993, within the framework of the negotiations of the Free Trade Agreement, to offer a border security policy. However, this CNDH considers that times have changed, and today this model must be transformed, as other public policies have been developed, from the perspective of humanism and the recognition of rights.

The Special Report on the Conditions of Migration Stays and Stations: Towards a new model for the attention of irregular migration, which we present today, proposes, from critical thinking, to review the management of migrations and build a new comprehensive model in which people in mobility know and access the rights that Mexico offers, from the exercise of the principle of non-criminalization, respect for due process and legal security; the guarantee of the rights to health, to justice, to dignified treatment, to request recognition of refugee status and the right to request political asylum, as well as the principle of non-refoulement, the right to life and peace.

As a result of the visits carried out to migrant farms and stations, the *Special Report* and the Follow-up System warn that none of the stations or farms are adequate, since thirteen of them are insufficient, twenty-one are inadequate and the rest are in a critical situation.

Faced with this scenario, the National Human Rights Commission, through the Special Report, makes available to the competent authorities and public opinion, among others, the following five proposals:

One. To make the regulatory and infrastructure adjustments in order to guarantee that the migrant holding facilities and stations operate in accordance with the legal framework and with unrestricted respect for the human rights of the persons who are presented in said facilities.

Two. Presence of COMAR personnel in the migratory stations or temporary stays during working hours to attend to requests for recognition of refugee status or complementary protection.



Photograph by CNDH

Three. In collaboration with the Federal Institute of Public Defense, the Public Human Rights Agencies and civil society organizations shall have the necessary facilities to provide guidance or legal advice to migrants who are in immigration detention centers.

Four. Adopt effective measures to ensure that migrants do not remain in migrant stays and stations for more than 36 hours, except in exceptional situations contemplated in the Migration Law.

Five. Coordinate with the Ministry of the Interior and the Congress of the Union so that in the next Expenditure Bills and in possible budget extensions, sufficient budget is allocated for the conversion of migratory stations and stays in favor of human rights and alternatives to detention.

The CNDH calls on all relevant actors to establish an alliance to face the challenges of migration, and based on real figures and data on the impact of irregular migration, to assess the relevance or not of the continued existence of migratory stations and temporary stays as they are currently known, in order to design and implement better alternatives and public policies to address the situation and needs of migrants in the country.

Mexico cannot guarantee that any foreigner will be detained in the United States, but it can guarantee dignified and adequate treatment to those who seek it, and this should be part of the services that can be provided through alternatives to detention. We call for fraternity and responsibility. If migration is humane, our reaction to it must be more humane.

Thank you very much.

Remarks by the President of the CNDH, Rosario Piedra Ibarra, at the inauguration of the course Artificial Intelligence and Human Rights

In the context of the advances made by artificial intelligence and its impact on the various spheres of society, the President of the National Human Rights Commission, Rosario Piedra Ibarra, inaugurated the course Artificial Intelligence and Human Rights. This course, organized virtually in collaboration with the Center for Social and Legal Studies Southern Europe (CESJ), represents an opportunity to address the challenges that arise at the intersection between technology and human rights. It was aimed at the staff of the different areas that make up the National Human Rights Commission (CNDH) in Mexico and the staff of the Public Human Rights Organizations (OPDH) in the country.

A very good morning to those of you joining us from Mexico and a very good afternoon to the team from Spain. I am pleased to extend a warm welcome to Dr. Antonio Joaquín Porras Nadales, President of the Center for Social and Legal Studies of Southern Europe, identified by its acronym CESJ, and to Dr. Gerardo Ruiz-Rico, Academic Director of this Center for Studies.

I also greet the staff of the different areas that make up this National Human Rights Commission, as well as the staff of the Public Human Rights Organizations in our country participating in the course Artificial Intelligence and Human Rights, organized by the CESJ and the CNDH.

This training action, developed virtually, aims to provide conceptual elements and address the uses of Artificial Intelligence, in order to encourage reflection on the challenges and perspectives that public institutions face in relation to the protection and guarantee of human rights.

Comprised of six units, this training will be taught by Mexican and Spanish professors who are experts in the different topics that will be addressed in each unit. Students will have access to a virtual classroom that will allow them to participate in a discussion forum in each unit and, very importantly, a final essay will be required for accreditation.

Why promote a training action in Artificial Intelligence and Human Rights? In recent years, the various advances in the field have influenced almost all areas of human activity, for example: in the field of medicine, it is possible to have a more accurate diagnosis; in industry, production lines are increasingly automated; in the field of national security, strategic forecasts are improved. These and other examples have undoubtedly led to this technology transforming our present and certainly our future, but we do not yet know in what way or to what extent it is doing so.

On the one hand, we have a significant advance in terms of the technical aspects of artificial intelligence; however, in terms of ethical aspects, there has not been an equivalent development . In order to take advantage of its benefits, it is necessary to ensure that there is an adequate regulation of its use, in order to avoid affecting our rights, particularly those of the most vulnerable population or those who are unaware of how it can affect their lives and, consequently, their rights.

At this point it is essential to reflect and influence from a human rights approach in all the processes that integrate it: design, development, implementation and use, instruments and resulting services; in addition to the fact that this approach can contribute to establish clear limits to States and private agents, with a view to prevent and mitigate its risks, such as: data collection that may invade privacy and confidentiality, facial recognition systems based on racial prejudice, use of lethal autonomous weapons, and the increase in inequalities between those who have access to these new technologies and those who do not.

In order to contribute to better regulation, various actors have presented actions to address this issue, such as the Toronto Declaration on the Protection of the Right to Equality and Non-Discrimination in Machine Learning Systems¹ which seeks, from civil society organizations, to apply existing international human rights standards to the development and use of Artificial Intelligence; or the various projects of the United Nations Educational, Scientific and Cultural Organization (UNESCO)² on Artificial Intelligence and education, with the aim of improving human capabilities and protecting human rights for sustainable development.

On the latter, I highlight the Recommendation on the Ethics of Artificial Intelligence,³ which was adopted by the 193 Member States at the UNESCO General Conference held in Paris in November 2021. This document is considered the first global standard on the ethics of Artificial Intelligence, with four fundamental values as its basis: human rights and human dignity; living in peaceful societies; ensuring diversity and inclusion; and, finally, the flourishing of the environment and ecosystems. The aforementioned, with the objective that Artificial Intelligence systems work for the good of humanity.

This Recommendation also has ten basic principles with a human rights approach, of which I highlight: proportionality and harmlessness; safety and security; privacy rights and data protection; adaptive and multi-stakeholder governance and collaboration; responsibility and accountability; fairness and nondiscrimination.⁴

In addition to the above, this Recommendation highlights the proposal to interpret Artificial Intelligence in a broad sense, i.e., to understand it as those systems with the capacity to process data in a manner similar to intelligent behavior. UNESCO considers it essential to have a flexible definition, so that rapid technological change does not make policies that could be developed in the medium term unviable. In addition, and in view of the challenge posed by Artificial Intelligence, UNESCO has developed two practical methodologies, the first for assessing readiness, i.e., helping States to assess their readiness to implement the Recommendation; and the second, the ethical impact assessment, aimed at Artificial Intelligence project teams, which will enable them to identify and assess the implications.

As you can see, there is still much to know, analyze and, especially, reflect on from our own contexts; therefore, the implementation of this course in collaboration with CESJ will result in a fruitful exchange of knowledge, good practices promoted in other latitudes, as well as a dialogue and reflection on emerging issues, for which I would appreciate it if you would convey my thanks to the experts for joining this important initiative.

Finally, I am grateful for the response and interest in this call. To my colleagues from the OPDH I would like to acknowledge their constant willingness to collaborate with the CNDH. I am sure that this training will be of great utility, with which we maintain our commitment to train and professionalize ourselves in current issues that allow us to generate knowledge and a positive impact for an adequate and true defense of the human rights of our peoples.

Thank you very much.

¹ Written by Amnesty International and Acces Now, issued in 2018. Available at https://goo.su/SOJ58

² UNESCO. Artificial Intelligence in Education, https://goo. su/4Ndlv

³ UNESCO. Ethics of Artificial Intelligence, https://goo.su/ pbDJ8

⁴ The other remaining principles are: transparency and explainability; human oversight and decision-making; sustainability; and awareness and education.

EVENTS OF THE MONTH

Presentation of the book *Pronouncement on the duty to prevent* and eradicate the various manifestations of political violence in the context of political-electoral rights

On February 14, the book Pronouncement on the duty to prevent and eradicate the various manifestations of political violence in the context of the exercise of politicalelectoral rights was presented. Elements for understanding political violence and how to eradicate it. At the event, the National Human Rights Commission (CNDH) expressed its commitment not to be omissive, as past administrations have been, nor to give up its duty to act in the face of anything that puts our democracy at risk.

The CNDH stresses the importance of defending democracy and calls upon the electoral authorities, those who fulfill a public function and citizens in general, with the objective of not contributing, inciting, obviating or admitting behaviors that continue to perpetuate the various manifestations of political violence, and so that we do not allow campaigns and elections to be sullied with lies and black campaigns.

The presentation took place in the auditorium of the National Center for Human Rights (CENADEH) "Rosario Ibarra de Piedra". The book summarizes part of the history of political violence in our country, which is not new but has become more sophisticated and has acquired subtle forms that seek the same result: to take away from the people of Mexico their right to democracy.

During this event, the president of the CNDH, Rosario Piedra Ibarra, emphasized the role of the Commission in the defense of this right, which has been the cause of struggles by Mexicans throughout our history; she added that although we are very clear that the CNDH cannot pronounce on electoral results, "because it neither qualifies elections nor sanctions electoral crimes, nor does it



Photograph by CNDH

intend to do so, it will not relinquish its duty to act against human rights violations that jeopardize or compromise those results".

"In the decisive times we live in, it is inadmissible to continue to be on the sidelines of human rights violations against people who exercise their political participation," he added, and exemplified his statement with what was expressed in recommendations 98VG/2023 and 137VG/2023, which, although they refer to events of our past, are very instructive in the times we live in, especially so that such events are not repeated. In inviting to read and disseminate the *Pronouncement*, the president recalled that although it is among its powers, in no electoral process after 1990 and not even after the constitutional reform of 2011 did the CNDH issue any opinion or resolution regarding human rights violations committed in political-electoral contexts, "a self-restraint that does not go unnoticed now, but that marks a very serious omission to consider, and a surrender of its constitutional mission, especially when we know that in that period there were at least two highly questioned presidential elections, not only for their results but also for their development".

Finally, he expressed the commitment and willingness of the National Commission to generate synergies with electoral institutions and bodies, as long as it places at the center of its actions that political-electoral rights are recognized human rights, whose respect, protection and guarantee is the responsibility of all institutions, society and the government.

Francisco Estrada Correa, executive secretary of the CNDH, stated that the book, which is also available in its electronic version on the CNDH website, contains a message that incorporates a critical vision of human rights based on the contributions of the Third General Inspector General's Office, the Special Office to Investigate Repression and Forced Disappearance due to State Political Violence during the recent past, the Program for Disappeared Persons and the Executive Secretariat.

It is a historical review of political violence in our country after several episodes of violence that should not be repeated: the black campaigns against Vicente Guerrero, against Juarez and Madero; the great struggles that were repressed in the 50's, the stage called "Dirty War", the actions against the campaign of the official candidate Luis Donaldo Colosio, and the black campaigns against Cuauhtemoc Cardenas and Andres Manuel Lopez Obrador.

In this sense, he said that one of the elements of political violence consists of producing false news and fostering prejudicial perceptions through dirty campaigns, as well as denigration based on sex, political preference or any other kind, which constitutes the very negation of democracy, and therefore must be sanctioned energetically and expeditiously. He stated that what we have seen on the occasion of the pre-campaigns is very aberrant and therefore it is essential to stop it, because it shows us how far this type of practices can go, which require an immediate and timely reaction from the electoral authority.

"The great lesson of our history is that the sole aim of manipulating the will of the people and, therefore, preventing the full exercise of the right to democracy, has always been to preserve hegemonies and privileges at the cost of perpetuating inequalities", said the Secretary, and pointed out that the important thing is not to advance in small demands, but in how to achieve the most important one, the great demand that Mexicans are demanding: That of the full exercise of their democracy, but alongside economic, social, cultural and environmental rights (known as DESCA).

During the event, the Escalometer of Political Violence was also presented, which allows measuring the levels of political violence that threaten the exercise of political-electoral rights, as a means to prevent, identify and combat it.

More information: https://goo.su/Tl7AG

Consult the complete presentation in: https://goo.su/kSigzPc

Economic Rights Forum

CNDH calls to reverse inequalities and human rights violations generated by neoliberalism in Latin America

The President of the National Human Rights Commission (CNDH), Rosario Piedra Ibarra, headed the inauguration of the *Forum on economic rights*, which took place in the facilities of the National Human Rights Center (CENADEH) "Rosario Ibarra de Piedra" on February 28 and 29, 2024. In this event, he mentioned that the neoliberal model aggravated poverty and inequality, increased migration and the appearance of violent groups in Latin America.

He added that it is necessary to counteract the inequalities caused by this model, since it punished the full exercise of economic, social, cultural and environmental rights (DESCA) in Latin America, while aggravating social inequalities and poverty.

He also pointed out that the entry into force of the Free Trade Agreement in Mexico, 30 years ago, implied the intensification of the neoliberal paradigm, which affected entire generations and meant a burden that we have the obligation to leave behind; Therefore, in the CNDH today there is certainty that there is an indisputable correlation between the structural violations of human rights and the implementation of neoliberalism, whose consequences resulted in an increase in poverty, scandalous inequality, inequitable income distribution and an unusual concentration of wealth, This is the greatest violation of human rights suffered by Mexico in its history, as it resulted in an indiscriminate depredation of natural resources, as well as in the irreversible affectation of natural areas and biodiversity. In addition, it has caused the displacement of native peoples, since at the same time it increased the migratory crisis in Latin America, which is a consequence of the simplistic sale of the U.S. model of life for years, while the conditions of poverty and injustice increased in the countries that expelled migrants.

Faced with this situation, the National Commission undertook a transformation that seeks to eliminate human rights violations, which is why these forums are important, as they bring together human rights defenders



Photograph by CNDH

from different countries, academics, lawyers, members of civil society organizations and researchers, with the aim of reflecting on and proposing alternatives where human rights are respected and lived.

For his part, Diego Pacheco, General Director of Living Well and Foreign Policy of the Vice-Presidency of the Plurinational State of Bolivia, said that in his country a state oriented towards living well was established, understood as an alternative life horizon to the anthropocentric scheme and inspired by the vision of the native peoples and the relationship with Mother Earth.

He pointed out that capitalism is the cause of violence, poverty and inequity, in addition to attacks on mother earth, which is why his country has initiated a process of decolonization of the State to move towards living well, developing a productive community model that nationalizes some elements with the aim of distributing the surplus among the most needy. It is, he said, a plural economic model, which is articulated with other models and







Photograph by CNDH

respects the rights of mother earth and all indigenous peoples.

In his turn, the president of the Association Networks of Alternative Options for Solidarity Development (ROADS), Francisco Ramírez, stressed that the Forum is important because when interests, ways of working and inertia are touched, there is always resistance on the part of many actors; He affirmed that the old references in economic matters are in crisis, exemplified by the growing risk of a complex war that could be detonated globally, with famine and disintegration of the States, which is why it is important to open a window towards experiences that revolutionize concepts of human rights and build new paradigms.

Finally, the president of the National Association of Democratic Lawyers (ANAD), Bertha Galeana Cisneros, considered that in the neoliberal economic model there is no justice possible to ensure a functional scheme of the social system, so she said she agreed with the turn taken by the new administration of the CNDH and with the interest placed on the dissemination of the DESCA, since the groups that dominated the Commission despised them and the old CNDH was a protection apparatus that never set out to affect the functioning of the Mexican political system.

The inauguration of the *Forum* was also attended by the Executive Secretary of the CNDH, Francisco Estrada Correa, and the General Coordinator of Administration and Finance of the same Commission, Luciana Montaño Pomposo.

> Consult the complete forum in: https://goo.su/ipQdI04

STUDIES AND REPORTS

Report on the conditions of the farms and migrant stations

In 2023, the National Human Rights Commission (CNDH) conducted 845 supervisory visits to migrant shelters, houses or shelters, public squares and railways. Based on the information gathered through interviews with the staff of these spaces, this document was prepared, which analyzes the conditions of accommodation, security infrastructure, legal protection and defense, and health infrastructure. In this regard, four ratings were considered for immigration facilities: adequate, insufficient, inadequate and critical.

Throughout the report, the need to change the model in Mexico's migration centers is explained, as most of them are considered to be in a critical state. Consequently, a comprehensive approach must be established that prioritizes the safety and dignity of migrants, as well as respect for and access to their human rights: to health, justice, dignified treatment, life and peace.

The report points out some of the serious problems that the CNDH has identified, such as illegal detentions and the prolonged stay of migrants in the facilities, beyond the time established for this purpose. Of the facilities reviewed, 13 have been rated as insufficient, while 21 are considered inadequate.

Therefore, the CNDH proposes: adjusting the structures in migratory spaces in order to comply with the law and respect for human



rights; granting legal advice to migrants; limiting the period of stay to 36 hours, except for legal exceptions; establishing in the Migration Law the right or principle of participation of migrants for the resolution of their cases according to their needs and contexts; and implementing social programs so that, during the migratory process, people can obtain employment, access to housing or decent accommodation, taking into account their possible insertion into Mexican society.

> Consult the complete report in: https://goo.su/zdXkCZ

Statement by the CNDH on the duty to identify and prevent risk factors in order to guarantee the exercise of the right to vote in pretrial detention in a safe, peaceful, and informed manner during the 2024 elections

This year will see the largest exercise of participation in elections in Mexico, with 92,792 people in pretrial detention located in 282 prisons throughout the Mexican Republic expected to participate.

Aware of this, the National Human Rights Commission (CNDH) has prepared this document, which identifies various risk factors: insufficient security and custody personnel, self-government, overcrowding, and inefficient infrastructure. These factors may undermine the free exercise of the right to vote.

In accordance with the principles of pro persona, equality, non-discrimination, and presumption of innocence, the CNDH identified areas for improvement in the upcoming elections, some of which are: adequate dissemination of information on the importance of voting while in preventive detention; dissemination of electoral proposals for the prison population; raising awareness among candidates of the importance of generating specific proposals aimed at the prison population in each entity; and providing for a greater allocation of human and material resources in order to streamline voting in the country's prisons.

The aim of these measures is to guarantee and protect the political and electoral rights of persons deprived of their liberty, including the participation of priority groups such as indigenous persons, older adults, women with infants in prisons, members of the LGBTTTIQ+ community, and persons with physical disabilities.



Within prisons, information on political proposals must be provided, free from any form of coercion or inhibition. Political platforms and candidates are urged to recognize and consider persons in pretrial detention in order to inform them of their action plans.

> Consul the complete report in: https://goo.su/2ivUhH

GLOBAL PERSPECTIVE

Monthly publication for the dissemination of human rights, aimed at all audiences. The content includes national and international news on human rights; reports, articles, interviews and discussions, as well as national commemorations that promote historical memory and disseminate social and institutional contributions to the recognition of human rights. During the month of February an edition was published, available on the CNDH web page.



To consult more issues of Global Perspective: https://www.cndh.org.mx/tipo/4113/perspectiva-global

NEWSLETTER AND UPDATES



I is do chanks in the front or many prime with and explosition or presented as the first or the second second second transfer of the first or the second second second second second transfer of the second second second second second second second second transfer of the second sec Monthly publication on the activities carried out by the CNDH staff, as well as its head, at the national and international level. It also presents the actions carried out in order to defend human rights; a summary of the latest recommendations issued; press releases and relevant documents. In addition, it includes monthly trends on international cooperation actions, unconstitutionality, constitutional controversies, information mechanisms, education and promotion of human rights, among other tasks of the organization. It is available on the CNDH website, as well as its English version: Newsletter.

To consult the Newsletter in English and Spanish: https://www.cndh.org.mx/Educacion/Carta-Novedades

RELEVANTS DATES

In order to publicize relevant national and international dates in the field of human rights, brief research documents are prepared on events and people related to these and other related topics. In addition, a reminder is offered on the organization, struggles and movements that have arisen in the face of violations of fundamental rights, as well as the contributions that have led to the recognition and exercise of human rights.



To consult the relevants dates: https://www.cndh.org.mx/fechas

HUMAN RIGHTS IN THE WORLD

Ombudsman Offices

The purpose of this section is to provide information on the activities, actions and positions of the various *ombudspersons* around the world. Based on the international context, it offers an analysis of initiatives, laws and reports carried out in different countries in order to observe regional coincidences that add valuable contributions to the respect, defense and protection of human rights.

During the month of February, various actions by the ombudsmen's offices of Peru, Colombia, Costa Rica, Bolivia and Chile, among others, were highlighted. Of particular note was the call made in Bolivia for the protection of environmental human rights defenders, as well as the strengthening of the legislative framework for the protection of the rights of Mother Earth. It is worth noting that in Malawi, a country located in southeast Africa, a bill proposed by the Ombudsman was approved, which establishes the opening of investigations in various public matters. The measure represents an important step forward in most of the states in that region.

Finally, there are some actions to disseminate human rights carried out by the Ombudsmen's Offices of Panama, Colombia and the Dominican Republic. Through them, we observed different ways of interacting with the population to make them aware of their rights. These include the community roundtables, which represent an ideal space for citizen participation where they share progress, challenges and alternatives in the search for the protection and exercise of human rights.



PERU



Article 28 of the Convention on the Rights of the Child establishes the following: "Education should be free in order to develop the academic and social formation of children and youth". In this sense, the Ombudsman's Office initiated the investigation of 10 schools for the existence of undue tuition charges, in addition to maintenance expenses. The purpose of the measure is to eliminate practices that threaten the free exercise of the right to education.

More information: https://goo.su/MF4sj

COLOMBIA



Ongoing human rights training helps to raise awareness among the population about the prevention of human rights violations. For this reason, the Ombudsman's Office gave a course to 400 police officers on human rights and their legal foundations, in order to establish respectful frameworks for action in their activities.

More information: https://goo.su/bJ2rVRV

COSTA RICA



The distribution and supply of water is a problem that affects various populations in the world. On this occasion, the Ombudsman's Office made a call to the municipal authorities to comply with the distribution of the vital liquid in order to satisfy the minimum needs of the communities of Tibás, Moravia and Goicoechea. In this way, it seeks to protect the right of access to drinking water of the people.

More information: https://goo.su/MoYUAGN





Cultural activities and workshops represent ideal actions in the search for interaction with the population. Aware of this, the National Human Rights Institute (INDH) participates in the Summer Schools program, with the aim of contributing to the social reintegration of women deprived of their liberty through activities involving the provision of various physical and mental self-care activities.

More information: https://goo.su/uNOVGjz



BOLIVIA

In 2009, the concept of *Mother Earth* was established in Bolivia to refer to our planet as a living being with its own rights. Therefore, the Bolivian Ombudsman's Office urged the State to protect environmental human rights defenders, and also reiterates the need to strengthen the legislative framework in order to protect the rights of Mother Earth, especially the right to a life free of contamination and the regeneration of biocapacity.

More information: https://goo.su/ES3Uq9V





In Peru, every February 27th is celebrated the Day for the Fight against Sexual Harassment in the Workplace. In this context, the Ombudsman's Office held a working meeting with representatives of 15 entities in the country in order to strengthen the prevention of sexual violence and harassment in the workplace. During the meeting, information was disseminated on the internal instruments for dealing with complaints, in order to know the procedure to follow in the event of situations of this nature.

More information: https://goo.su/uAtLQr





The President of the Republic of Malawi approved the Ombudsman Amendment Bill, which, among its new powers, provides for the opening of investigations into matters of public interest on his own initiative. It also provides for protection measures for whistleblowers and victims of human rights violations.

More information: https://goo.su/CW3tW

Dissemination of human rights

PANAMA



The Ombudsman's Office participated in an operation together with the Transit and Land Transportation Authority, with the purpose of raising awareness among users of their rights and duties as passengers, as well as verifying compliance with road safety regulations by drivers and transportation companies.

More information: https://goo.su/pWR0h



Through the Ombudsman's Office in your Community, more than 1,300 people were assisted, with the aim of providing them with legal guidance in the event that they have suffered a human rights violation, especially victims of the armed conflict and violence in the family context. In addition, personnel from the ombudsman's office provided psychosocial care, health and dental services, document reception and procedures with public utilities.

More information: https://goo.su/KKA2YOL

DOMINICAN REPUBLIC



The dissemination of human rights is carried out through different means and activities. On this occasion, the Ombudsman installed community tables with the purpose of strengthening the dissemination of human rights to promote a culture of peace, awareness and citizen participation. Likewise, accreditations were given to social leaders from different localities, who serve as liaisons between the constitutional body and the population.

More information: https://goo.su/tPKhimk

Recommendations

During February, the National Human Rights Commission issued 31 recommendations; 29 ordinary and two for serious human rights violations.

As for the ordinary ones, 14 were issued to the Mexican Social Security Institute due to the fact that this agency violated several human rights, for example, the right to life, health, the principle of the best interest of the child, dignified treatment, a life free of gender violence, physical and psychological integrity, among others. For this reason, the Commission recommended to its head to cooperate to register the victims in the National Registry of Victims; to offer them the medical or psychological attention they require; to design and teach courses on human rights, related to the right to health protection and health information.

Regarding the serious violations, the CNDH issued one which includes several recommendations to the municipal president of Ciudad Juarez in the state of Chihuahua, and to the president of the State Human Rights Commission of the same state; and another, addressed to the commissioner of the Decentralized Administrative Body for Prevention and Social Readaptation, and to the attorney general of the state of Coahuila de Zaragoza. Among the violations found by the CNDH in both cases are violations to liberty, personal integrity and security, due process, access to justice, among others.

Actions of unconstitutionality

The Political Constitution of the United Mexican States establishes that the National Human Rights Commission has standing to sue, before the Supreme Court of Justice of the Nation, the invalidity of laws that are issued or reformed and that are considered to violate human rights. Once the law is published in the official media in question, the National Commission has a term of thirty calendar days to challenge the norms that are deemed to violate fundamental rights.

In this regard, during this month, 5 unconstitutionality actions were approved, filed due to infringement of the right to legal certainty and the principle of legality; freedom of expression and assembly; prior, close and active consultation of persons with disabilities, and the right to legal certainty; principles of taxation applicable to administrative sanctioning matters, tax proportionality and legality.

Pronouncements

The CNDH published 3 pronouncements during the month, in which it denies that its proposed transformation seeks to eliminate public human rights bodies in the states; and requests the Oaxaca Congress to incorporate the results of the consultation with indigenous peoples and communities in the Organic Law of the Autonomous Communal University of Oaxaca.

On the other hand, it urges institutions, the media, social and political actors and citizens in general to avoid contributing, inciting, reproducing, obviating or admitting conduct that legitimizes and continues to perpetuate the violation of the right to democracy and, therefore, political violence as a means of access to power in Mexico.

Press releases

This month 51 communication were published, among which two stand out. In one of them *(Communication 23/2024),* the CNDH reaffirms its position that, in the context of campaigns and elections, it will not evade its attributions to defend and guarantee the human right to democracy, and therefore calls on the electoral authorities to avoid behaviors that continue to perpetuate manifestations of political violence and to not allow campaigns and elections to be sullied by lies and black campaigns.

In Communication 98/2024, on the other hand, the Commission highlights the inauguration of the Human Rights Documentation Center at the "José Vasconcelos Library" in Mexico City. The purpose of this center is to recognize the value of safeguarding historical memory, to contribute to a culture of peace, and to promote access to a culture in which people are welcome, respected and have access to information.



ON VIOLATIONS OF THE HUMAN RIGHTS TO EDUCATION, EQUALITY, PARTICIPATION AND THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD

The CNDH sent a recommendation to Manolo Jiménez Salinas, governor of the state of Coahuila, and to María Eugenia Campos Galván, governor of the state of Chihuahua, after the failure to deliver free textbooks in the states of Chihuahua and Coahulia de Zaragosa. The CNDH recommended that they proceed to the immediate delivery of the educational material, issue an agreement to guarantee the academic continuity of the children and adolescents. In addition, they should issue a communiqué in which they acknowledge that by not delivering the textbooks they obstructed the full exercise of the right to education. Finally, it requests that they issue a communiqué in which they establish adequate guidelines for the listening and participation of the children and adolescents.



RECOMMENDATION

ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, TO LIFE AND TO DIGNIFIED TREATMENT

AMBULANCIA

The CNDH issued a recommendation to Gustavo Esteban Lugo Zamudio, general director of Hospital Juarez de Mexico, following medical malpractice by Juarez hospital staff. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide them with the psychological and/or thanatological care they require. It also requested that they provide a comprehensive course on human rights, which should be effective in preventing similar events; and recommended that they issue a circular describing the supervisory measures for the proper implementation of the recommendations.



REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH PROTECTION AND TO DIGNIFIED TREATMENT

The CNDH sent a recommendation to Alma Rosa Sánchez Conejo, general director of the General Hospital of Mexico, after inadequate medical attention by the staff of that clinic. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims, provide them with medical attention, prosthetic devices and grant the necessary psychological attention. In addition, it requested that they give a course related to the right to health protection and issue a circular to staff to identify risk factors and plan preventive actions. Finally, it recommends that they carry out actions to ensure that the hospital is available twenty-four hours a day throughout the year.

Learn more

ON VIOLATIONS OF THE HUMAN RIGHTS TO LEGAL CERTAINTY AND FREEDOM OF TRANSIT

The CNDH issued a recommendation to Francisco Garduño Yáñez, commissioner of the National Migration Institute, following human rights violations by INM personnel. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and give a comprehensive human rights course on the legal security and freedom of transit of foreigners in international mobility. Finally, it requested that issue a circular so that persons who are in the hypothesis of immediate transit are guaranteed their rights and can access connections to their final destinations.



Learn more

RECOMMENDATION

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO LEGAL CERTAINTY AND FREEDOM OF TRANSIT

The CNDH sent a recommendation to Fransisco Garduño Yáñez, commissioner of the National Migration Institute, following human rights violations by INM personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and give a comprehensive human rights course on the right to legal security and freedom of transit of foreigners in international mobility. It also requested that they contact the victims to confirm their intention to enter the country and, if necessary, facilitate their entry into the national territory. Finally, it recommended that they issue a circular establishing the guidelines and procedures for the issuance of inadmissions in the country.

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REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, TO LIFE AND TO THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD, AS WELL AS ACCESS TO HEALTH INFORMATION

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate medical attention by IMSS medical personnel. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide them with psychological and/or thanatological care for the events that gave rise to this recommendation. In addition, it requested that they give a comprehensive course on human rights, related to the right to health protection and the principle of the best interests of the child. Finally, it recommended that they issue a circular describing the appropriate supervisory measures to guarantee medical management, in accordance with national and international legislation and the Official Mexican Standards.

Learn more

RECOMMENDATION

ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND TO DIGNIFIED TREATMENT, AS WELL AS ACCESS TO HEALTH INFORMATION

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following violations of the right to health protection by IMSS medical personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide the psychological and/or thanatological care they require. It also requested that they implement a comprehensive course on human rights related to the right to health protection with emphasis on the dignified treatment of the elderly, and finally, it recommended that they issue a circular to disseminate the appropriate measures of supervision to integrate the clinical record and prevention work in medical care.

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WITH RESPECT TO VIOLATIONS OF HUMAN RIGHTS TO LEGAL CERTAINTY AND THE TRUTH

The CNDH sent a recommendation to Américo Villareal Anaya, governor of the State of Tamauilipas, Luis Cresencio Sandoval, Secretary of National Defense, and Alejandro Gertz Manero, Attorney General of the Republic, following human rights violations. The CNDH recommended to collaborate to register the victims in the National Registry of Victims, to provide the required psychological attention and to cooperate extensively in the presentation and follow-up of the complaint filed by this National Commission. It also requested that each institution give investigation courses focused on cases of forced disappearance of persons.

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REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO A LIFE FREE OF GENDER VIOLENCE, TO PHYSICAL AND PSYCHOLOGICAL INTEGRITY, TO HEALTH PROTECTION, TO LEGALITY, TO LEGAL CERTAINTY, AND TO LEGAL SECURITY

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following human rights violations by IMSS medical personnel. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide the required psychological care. It also requested that they give a comprehensive course on human rights related to the right to health protection, legality and legal security. It also recommended that they issue a circular addressed to the personnel so that they adopt effective measures to present the health service, and another circular instructing them to take protective measures in cases of violence and sexual harassment.

29/2022

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ON VIOLATIONS OF HUMAN RIGHTS, THE PROTECTION OF HEALTH, LIFE, PERSONAL INTEGRITY AND SECURITY, THE BEST INTEREST OF THE CHILD, AS WELL AS THE RIGHT TO A LIFE FREE OF OBSTETRIC VIOLENCE AND THE RIGHT OF ACCESS TO INFORMATION

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate medical attention by IMSS medical personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide the required medical, psychological and thanatological care. It also requested that they give a comprehensive course on human rights related to the right to health protection, regulation of health services and care in emergency services. It also recommends that they issue a circular with the measures for attention, prevention and supervision.

REGARDING THE APPEAL AGAINST THE DECISION OF INADMISSIBILITY ISSUED BY THE HUMAN RIGHTS COMMISSION OF MEXICO CITY AND THE VIOLATION OF THE HUMAN RIGHTS TO LEGALITY AND LEGAL CERTAINTY, AS WELL AS ACCESS TO JUSTICE AND REASONABLE TIME

The CNDH issued a recommendation to the presiding magistrate and members of the Plenary of the Electoral Tribunal of Mexico City, and to Nashieli Ramírez Hernández, president of the National Human Rights Commission of Mexico City. The CNDH recommended that they provide the administrative and legal measures in order to comply with the agreement of the Plenary of the Electoral Tribunal, including a comprehensive course on the human rights to legality and legal security, access to justice and reasonable time. On the other hand, it recommended that they issue a circular to urge that all investigations on human rights violations be carried out exhaustively, and that they design and impart a comprehensive course on the human rights to legality and legal security, access to justice and reasonable time.

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REGARDING THE NON-ACCEPTANCE OF THE CONCILIATION PROPOSAL WITH RESPECT TO THE VIOLATIONS OF THE HUMAN RIGHTS TO LEGALITY AND LEGAL CERTAINTY, AS WELL AS TO SOCIAL SECURITY

The CNDH sent a recommendation to Bertha Alcalde Luján, general director of the Institute for Social Security and Services for State Workers, following human rights violations by personnel. The CNDH recommended that they carry out actions for the full enjoyment of the widow's pension, and provide all the economic and in-kind benefits in accordance with the regulations. Finally, it requested that they provide a comprehensive course on human rights, in relation to the rights to legality and legal security, as well as social security.

Learn more

ECOMMENDATION

ECOMMENDATION

ON VIOLATIONS OF THE HUMAN RIGHTS TO LEGALITY, LEGAL SECURITY, SOCIAL SECURITY AND THE RIGHT TO PETITION

The CNDH issued a recommendation to Bertha Alcalde Luján, general director of the Institute for Social Security and Services for State Workers, following human rights violations by ISSSTE personnel. The CNDH recommended that they carry out the necessary actions for the full enjoyment of the retirement pension and widow's pension, and implement the necessary procedures in order to comply with the right of petition and response. Finally, it requested that they give a comprehensive course on human rights in relation to the rights to legality and legal security, as well as social security.

34/2024

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH PROTECTION, ACCESS TO INFORMATION AND TO A LIFE FREE OF GENDER VIOLENCE

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Institute of Social Security, following inadequate attention by medical public servants. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide the psychological and/or thanatological care required. In addition, it requested that they give a comprehensive course on human rights related to the right to health protection. Finally, it recommended that they issue two circulars addressed to the personnel, one with the measures of attention, prevention and supervision; another one, where they inform the people who suffer from cervical uterine cancer about the procedures to choose, and that these are carried out in compliance with the regulations.

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REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, TO LIFE AND TO THE BEST INTERESTS OF CHILDREN AND ADOLESCENTS, AS WELL AS ACCESS TO INFORMATION

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate care by medical personnel. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide the psychological and/or thanatological care required. In addition, it requested that they give a comprehensive course on human rights related to the right to health protection and the best interests of children and adolescents. Finally, it recommended that they issue a circular containing the pertinent measures for prevention and supervision, on human rights issues, on the protection of health, life, the best interests of children and adolescents, and access to health information.



ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND TO DIGNIFIED TREATMENT

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate care by medical personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide the necessary psychological and/or thanatological care. In addition, it requested that they give a comprehensive course on human rights related to the right to health protection, particularly for children and/or adolescents. Finally, it recommended that they issue a circular addressed to the personnel, describing the principles of accessibility, acceptability, availability and quality, so that people receive an interdisciplinary assessment by specialists who are trained.

Learn more

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, LIFE AND THE BEST INTERESTS OF THE CHILD, AS WELL AS ACCESS TO INFORMATION ON HEALTH AND LIFE PROJECTS

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, General Director of the Mexican Social Security Institute (IMSS), after the medical personnel provided inadequate medical attention. For this reason, the CNDH recommended to collaborate with the inscription to the National Registry of Victims, as well as to provide psychological and/or thanatological care if required. In addition, it should provide a comprehensive course on human rights related to the right to health protection with emphasis on the best interests of the child. Finally, a circular should be issued to the personnel, containing the appropriate measures of prevention and supervision, with the purpose of satisfying the medical management.

Learn more

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND LIFE, AS WELL AS ACCESS TO INFORMATION ON HEALTH MATTERS

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following irregularities in the medical attention provided by its personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide psychological and/or thanatological care if required. It also requested that they give a comprehensive course on human rights, related to the right to the protection of health, life and access to information, in order to be effective in preventing similar events.



ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, LIFE, ACCESS TO INFORMATION AND HARM TO THE LIFE PROJECT

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate care by medical personnel. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide psychological and/or thanatological care if required. In addition, it requested that they give a comprehensive course on human rights, related to the right to health protection. Finally, it recommended that they issue a circular containing the pertinent measures of prevention and supervision, with the purpose of satisfying the medical treatment.

Learn more

WITH RESPECT TO VIOLATIONS OF THE HUMAN RIGHTS TO EDUCATION, PERSONAL INTEGRITY AND SECURITY, AS WELL AS THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD

The CNDH issued a recommendation to Leticia Ramírez Amaya, Secretary of Public Education, following human rights violations by public servants of the SEP. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide psychological and/or thanatological attention if required. In addition, it requested that they give a comprehensive course on human rights, particularly on the rights of children and adolescents. Finally, it recommended that they issue a circular in which they instruct public servant teachers on relevant measures of prevention and supervision, on the issues of human rights to personal integrity, and due observance of the principle of the best interests of the child.



Learn more

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO LEGAL CERTAINTY, LIBERTY, LEGALITY, DUE PROCESS AND THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD

The CNDH sent a recommendation to Francisco Garduño Yáñez, commissioner of the National Migration Institute, following human rights violations by public servants of the INM. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide psychological attention if required. In addition, the CNDH requested that they provide a mandatory training course on human rights, related to the administrative migration procedure in relation to children and adolescents in the context of migration. Finally, it recommended that they issue a circular instructing personnel to guarantee the rights of migrant children and adolescents.



ON VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH PROTECTION, EDUCATION, LABOR, GENDER IDENTITY, EQUALITY AND NON-DISCRIMINATION, HOUSING, CULTURE AND ACCESS TO JUSTICE

The CNDH issued a recommendation to the presidents and undersecretary of the Chamber of Deputies, Senators and the National Council for the Prevention of Discrimination, after the increase of murders of trans women in the country. The CNDH recommended that they promote the reform of the fifth paragraph of article 1 of the Constitution with the objective of including gender identity as a suspect category of discrimination, generate actions in order to promote the reform of the Federal Criminal Code to consider gender identity as an aggravating factor in the crime of femicide. Finally, he requested that they promote the use of inclusive language.

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ECOMMENDATION

WITH RESPECT TO VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH, INTEGRITY AND DIGNIFIED TREATMENT, AS WELL AS OF THE LIFE PROJECT AND THE RIGHT OF ACCESS TO INFORMATION

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate medical attention by the staff. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide psychological and/ or thanatological care if required. It also requested that they provide a training course on human rights related to access to health services. It also recommended that they guarantee the provision of osteosynthesis material, and requested that guarantee the issuance of an annual training program on immediate care for patients requiring segmental resection.

Learn more

ON VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH PROTECTION, TO A LIFE FREE FROM OBSTETRIC VIOLENCE, TO LIFE AND TO THE BEST INTEREST OF THE CHILD

The CNDH issued a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate medical attention by the staff. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide medical, psychological and thanatological care if required. In addition, it requested that they provide a training course related to the rights to health protection, to a life free of obstetric violence, to life, to the best interest of the child, to access to health information. Finally, it requested that they issue a circular containing the pertinent measures for prevention and supervision.





ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND TO DIGNIFIED TREATMENT, AS WELL AS ACCESS TO HEALTH INFORMATION

The CNDH sent a recommendation to Bertha Alcalde Luján, general director of the Institute for Social Security and Services for State Workers, following human rights violations by public servants. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide the psychological and thanatological care required. In addition, it requested that they provide a comprehensive course on human rights that considers the principles of accessibility, acceptability, availability and quality. Finally, it recommended that they issue a circular addressed to medical personnel, with adequate supervision measures for the integration of the clinical file and preventive work in medical care.

Learn more

REGARDING VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND TO DIGNIFIED TREATMENT, AS WELL AS ACCESS TO HEALTH INFORMATION

The CNDH issued a recommendation to Bertha Alcalde Luján, general director of the Institute for Social Security and Services for State Workers, following human rights violations by public servants. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide the psychological and/or thanatological care required. In addition, it requested that they provide a comprehensive human rights course that considers the principles of accessibility, acceptability, availability and quality. Finally, it recommended that they issue a circular to medical personnel, with adequate supervision measures for the integration of the clinical file and preventive work in medical care to ensure medical management.



ON VIOLATIONS OF THE HUMAN RIGHTS TO HEALTH PROTECTION, TO A LIFE FREE OF OBSTETRIC VIOLENCE AND TO A LIFE PLAN

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate obstetric medical care by the staff. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide psychological and/or thanatological care if required. In addition, it requested that give a course on human rights related to the right to the protection of maternal and reproductive health and the right to protection of the health and life of newborn children. Finally, it recommended that they develop a permanent training course to prevent and address cases of obstetric violence.

Learn more

ON VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH AND LIFE, AS WELL AS ACCESS TO INFORMATION ON HEALTH MATTERS

The CNDH issued a recommendation to Bertha Alcalde Luján, general director of the Institute for Social Security and Services for State Workers, following human rights violations by public servants. The CNDH recommended that they collaborate in order to register the victims in the National Registry of Victims and provide psychological and/or thanatological care. In addition, it requested that they give a comprehensive course on human rights, related to the right to health protection. Finally, it recommended that they issue a circular to medical personnel, describing the appropriate supervisory measures.

Learn more

RECOMMENDATION

WITH RESPECT TO VIOLATIONS OF THE HUMAN RIGHTS TO THE PROTECTION OF HEALTH, LIFE AND THE BEST INTERESTS OF THE CHILD, AS WELL AS TO THE LIFE PLAN

The CNDH sent a recommendation to Zoé Alejandro Robledo Aburto, general director of the Mexican Social Security Institute, following inadequate obstetric medical care by the staff. The CNDH recommended that they collaborate to register the victims in the National Registry of Victims and provide psychological and/or thanatological care if required. In addition, it requested that they provide a training course that addresses the right to protection of neonatal health, as well as knowledge of official Mexican health standards and the best interests of the child. Finally, it recommended that they issue a circular containing the pertinent measures of prevention and supervision, on human rights issues, on the protection of health.



ON SERIOUS VIOLATIONS OF THE HUMAN RIGHTS TO LIBERTY, INTEGRITY AND SECURITY OF PERSON, DUE PROCESS, LEGAL CERTAINTY, DIGNITY AND LIFE PLAN DUE TO THE COMMISSION OF ACTS OF TORTURE

The CNDH sent a recommendation to Cruz Pérez Cuellar, municipal president of Ciudad Juárez in the state of Chihuahua, and to Néstor M. Armendáriz Loya, president of the Chihuahua State Human Rights Commission. To the municipal president, it recommended that he cooperate in order to register the victims in the National Registry of Victims and provide the necessary comprehensive and multidisciplinary assistance and care, specifically psychological and medical. The president of the State Human Rights Commission was asked to collaborate with the investigating authorities in the processing and follow-up of the administrative complaint filed by this National Commission, to design and impart a training course to carry out a duly reasoned analysis in accordance with its Law and Regulations, compatible with the CNDH norms and the highest national and international standards on the matter.

Learn more

ON THE CASE OF SERIOUS VIOLATIONS OF THE HUMAN RIGHTS TO PERSONAL INTEGRITY, TO LIFE AND TO THE RIGHT TO ACCESS TO JUSTICE

The CNDH sent a recommendation to Antonio Hazel Ruiz Ortega, commissioner of the Decentralized Administrative Body for Prevention and Social Readaptation, and to Gerardo Márquez Guevara, attorney general of the state of Coahuila de Zaragoza. To the commissioner, it recommended that he cooperate in order to register the victims in the National Registry of Victims and collaborate extensively with the investigating authorities in the processing and follow-up of the administrative complaint filed by this National Commission. To the Attorney General, it requested that a course be given to the Public Prosecutors in charge of the integration of the investigations in the Early Attention Unit of that institution, and another to the forensic medicine experts in charge of performing necropsies and field reports of the Coordination of Expert Services, Southeast Region of the State Prosecutor's Office, so that they can carry out their work with due diligence and efficiency.

GTVG/2024

ACTIONS OF UNCONSTITUTIONALITY

ACTIONS OF UNCONSTITUTIONALITY FILED IN FEBRUARY 2024

During this month, the CNDH filed 5 complaints of unconstitutionality, through which 11 general norms were challenged.



- » On February 6, 2024, an action of unconstitutionality 54/2024 was filed before the SCJN, filed against of article 6, in the normative portion "the General Law of Victims", of the Law for the Attention and Prevention of the Disappearance of Persons in the State of Aguascalientes; the foregoing, since it is considered that the right to legal certainty and the principle of legality are violated.
- » 2. On February 10, 2024, an action of unconstitutionality 55/2024 was filed before the SCJN, filed against articles 109 and 110 of Law number 176, of Mobility and Road Safety for the State of Sonora, considering that it violates the right to legal certainty, freedom of expression and assembly, as well as the principle of legality.
- » 3. On February 16, 2024, an action of unconstitutionality 57/2024 was filed before the SCJN against articles 6, section VI, 9, section II, of the General Law on Women's Access to a Life Free of Violence; 323 QUÁTER, 444 BIS, in the normative portions "and of violence through an intermediary", "and 323 quáter"; 494, in the normative portions "and/or used to exercise violence through an intermediary", "and 323

quáter", of the Federal Civil Code; 343 Ter 2 and 343 quater, in the normative portion "and violence through an intermediary", of the Federal Criminal Code; this because violates the rights to legal certainty, equality and prohibition of discrimination, of children and adolescents to be protected against all forms of violence; principles of legality, in its aspect of taxativity and of the best interest of children and adolescents.

- » 4. On February 23, 2024, an action of unconstitutionality 60/2024 was filed before the SCJN, filed against Article 107, first paragraph, in the normative portion "shall observe in them that there are no patent manifestations of natural incapacity and" of the Notary Law of the State of Nuevo Leon; in this way, by assessing that the right to prior, close and active consultation of persons with disabilities is violated.
- » 5. On February 26, 2024, an action of unconstitutionality 61/2024 was filed before the SCJN, filed against several precepts of 5 municipal revenue laws of the state of Oaxaca for the fiscal year 2024, since it violates the right to legal certainty; principles of taxation applicable to administrative penalties, tax proportionality and legality.

PRONOUNCEMENTS

PRONOUNCEMENT 04/2024

THE CNDH DENIES THAT ITS TRANSFORMATION PROPOSAL SEEKS TO ELIMINATE PUBLIC HUMAN RIGHTS BODIES IN THE STATES; IT REITERATES THAT IT IS A REFORM FOR AND BY THE VICTIMS AND ONLY FOR THE FEDERAL LEVEL

As part of the disinformation campaign on the proposed transformation of the National Human Rights Commission (CNDH), presented a year ago by President Rosario Piedra Ibarra, it has been claimed, without knowing the content of the proposal, that it is intended to eliminate the defense of human rights in Mexico, and therefore, it is assured that such proposal does not have the consensus of the Mexican Federation of Public Human Rights Organizations. With respect to the above, it should be clarified that promoting changes that improve the protection of human rights is an attribution that the CNDH has derived from its constitutional mandate.

It is reiterated that the proposed transformation is not reduced to a change of name, since the reform focuses on providing it with better instruments and tools, enhancing its scope and powers to better fulfill its functions of protection and defense of the rights of Mexicans. It should also be noted that the transformation of the CNDH began on November 19, 2019 through the reform of all our internal regulations; and it has borne fruit.

The CNDH respectfully invites all the heads of commissions, ombudsmen's offices and prosecutors' offices to a fruitful and



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constructive exchange to learn about the proposal, and to all those interested in the defense of human rights, but above all to the victims and potential victims, to analyze the work of this Commission and its transformation process.

More information: https://goo.su/I4mQEY

PRONOUNCEMENT 05/2024

THE CNDH URGES THE CONGRESS OF OAXACA TO INCORPORATE THE RESULTS OF THE CONSULTATION WITH INDIGENOUS PEOPLES AND COMMUNITIES IN THE ORGANIC LAW OF THE AUTONOMOUS COMMUNAL UNIVERSITY OF OAXACA

The National Human Rights Commission (CNDH) urges the legislators of the Congress of the State of Oaxaca to publish the results of the Consultation of Indigenous Peoples and Communities, in order to guarantee the fundamental rights to autonomy and self-determination of these peoples and communities. For this reason, the CNDH filed an action of unconstitutionality in which it challenged the decree that issued the Organic Law of the Autonomous Communal University of Oaxaca, given the lack of prior consultation with indigenous peoples and communities.

The SCJN declared the invalidity of the decree, noting that, in the legislative procedure, the indigenous peoples and communities were not consulted, for which reason, the highest court granted a term of 18 months for the State Congress to legislate on the matter of indigenous education. On the other hand, the forums for consultation with the peoples and communities were held between the months of January and March 2023, a circumstance that was reported by the Congress of the State of Oaxaca to the SCJN, the results of which are contained in the joint opinion of the commissions.

It should be emphasized that the human right to consultation with indigenous peoples and



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communities is not a "requirement" whose objective is to reflect what is expressed in the same, but rather it represents the obligation to guarantee that what is expressed by the peoples and communities is incorporated into legal instruments, as is the case of the Organic Law of the Autonomous Communal University of Oaxaca.

More information: https://goo.su/EffCr

PRONOUNCEMENT 06/2024

CNDH URGES INSTITUTIONS, THE MEDIA, SOCIAL AND POLITICAL ACTORS AND CITIZENS IN GENERAL TO AVOID CONTRIBUTING TO, INCITING, REPRODUCING, IGNORING OR ADMITTING CONDUCT THAT LEGITIMIZES AND CONTINUES TO PERPETUATE THE VIOLATION OF THE RIGHT TO DEMOCRACY AND, THEREFORE, POLITICAL VIOLENCE AS A MEANS OF ACCESS TO POWER IN MEXICO

In view of the political-electoral campaigns, the National Human Rights Commission (CNDH), calls attention to the environment that implies actions by some opinion makers and political actors, contradictory to democratic competition, and therefore, invites reflection in order to take the appropriate measures to avoid that this is the sign that characterizes the campaigns.

This National Commission expresses its commitment to contribute to guarantee the exercise of the right to democracy and invites all social and political actors involved in the public debate to completely eradicate from their narratives any manifestation of political violence. Likewise, the CNDH calls on all Mexicans to act in defense of democracy, since this National Commission warns that there is an attempt to repeat scenarios such as those experienced in 2006 and 2012.

The CNDH assumes the commitment to deconstruct the role assigned to this public human rights body from the neoliberal approach, abandoning the vision that democracy and political-electoral rights are



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not part of human rights. It also reiterates the work of constant monitoring, in order to ensure citizens' access to their civil and political rights, which are enshrined in the Political Constitution of the United Mexican States.

More information: https://goo.su/2kKLfWF



88/2024 IN THE FACE OF CAMPAIGNS AND ELECTIONS, THE CNDH WILL NOT SHIRK ITS ROLE OF DEFENDING AND GUARANTEEING THE EXERCISE OF THE HUMAN RIGHT TO DEMOCRACY

The National Human Rights Commission (CNDH) maintains that the task of defending democracy belongs to all of us, and calls on the electoral authorities to avoid conduct that continues to perpetuate manifestations of political violence and to not allow campaigns and elections to be sullied by lies and black campaigns.

The president of the CNDH, Rosario Piedra Ibarra, during the presentation of the book *Pronouncement on the duty to prevent and eradicate the various manifestations of political violence in the context of the exercise of political and electoral rights. Elements for understanding political violence and how to eradicate it, expressed the commitment and willingness of the National Commission to generate synergies with electoral institutions, provided that political and electoral rights are recognized as human rights and placed at the center of their actions.*

Finally, the general director of Human Rights Dissemination of the CNDH, Juan José Sánchez González, considered that the struggle for memory, truth and justice, as well as non-repetition, has been constant in this administration.

More information: https://goo.su/gRAZz

98/2024 THE CNDH AND THE MINISTRY OF CULTURE INAUGURATE THE HUMAN RIGHTS DOCUMENTATION CENTER AT THE "JOSÉ VASCONCELOS" LIBRARY IN MEXICO CITY

The president of the CNDH, Rosario Piedra Ibarra, and the Secretary of Culture, Alejandra Fraustro Guerrero, emphasized the importance of recognizing the value of safeguarding historical memory. For this reason, they inaugurated the Documentation Center and Library of the CNDH at the "José Vasconcelos" Library in Mexico City. Rosario Piedra added that, with the purpose of contributing to consolidate a culture of peace, the Documentation Center will house, in an optimal and dignified space, more than 19,000 titles and multiple magazines, which will also help to form a path to achieve the true emancipation of the people.

Finally, the director of the National Center for Human Rights (CENADEH), Rosy Laura Castellanos Mariano, acknowledged that the concentration of the CNDH archive in the aforementioned building has been the result of a great joint effort, and is a sign that institutions can create ties to advance in the protection of human rights; she added that these measures promote access to a different culture, in which the people are welcome, respected and have access to knowledge.

More information: https://goo.su/4Zf7t1



Defendemos al Pueblo