

NEWS LETTER

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Dr. Raúl Plascencia Villanueva, the new national ombudsman

The new National Ombudsman, Dr. Raúl Plascencia Villanueva, took office before members of the Consulting Council, presidents of the Human Rights Commissions of different States, senators and government delegates, heads of non-governmental organizations, CNDH personnel and the departing president, Dr. José Luis Soberanes Fernández. In the speech he gave during the event, he emphasized that he envisions the National Commission “as an institution that is not opposed to the objectives of the State, but rather as one which complements its objectives and contributes to the fulfillment of its duties. The goal is the consolidation of the project of a free and democratic nation established in the Political Constitution of the United Mexican States, guided by the respect of the human rights of all Mexicans”.

Equally, he underlined that during this new stage his main objective will be to strengthen the CNDH as an institution which is dynamic, open to team work and dialogue, in close contact with the people and civil society organizations, especially as an effective defendant of the victims of crime and abuse of power. He demanded the work and support of the professional and committed public servants who work in this National Institution to provide it with institutional strength, in order for it to comply with the needs and legitimate demands of today's society.

Whilst showing his concern about the situation faced by victims of crime and abuse of power before the legal system and in the presence of the authorities in all areas of our country, he announced the establishment of the Special Unit for Aid to Victims of Kidnapping, a lacerating flagellation which not only injures the dignity of the affected individual, but also that of society in general. He pointed out that this Unit will work hand in hand with civil society organizations as well as with the public and private institutions dedicated to this matter, in order to consolidate itself as an important entity for the attention, support and defense of the victims' rights.

He offered to create a new mission statement for the CNDH, focused on the promotion of more aggressive and decisive actions, which requires permanent progress on the subjects of human rights defense and protection and a constant proposition of the legal and structural reforms needed to guarantee their uttermost respect. “During the years to come, our involvement in the transformative processes of the Mexican State must be increased. Protecting rights and fighting inequality are an essential part of our agenda”, he assured.

Regarding the Mexican State's pledge to fight poverty and inequality, as a key starting point for the effective exercising of all other rights, he urged all of us to find a way to keep the effects of the current economic crisis from infringing our fundamental guarantees, so there exists a commitment to take advantage of the adverse economic circumstances to achieve a better effectiveness of human rights instead.

He announced that during the next 100 days of his administration, actions tending to the modernization of the social aid entrusted to the CNDH, the transparency of the work, internal reengineering, and to working closely with civilians and attending them promptly, will be developed. A comprehensive and constructive analysis of the normative and operational framework will also be encouraged, in order to guarantee the efficacy in the fulfillment of its obligations, together with the promotion of the Charter of Duties of the People, whose goal is to strengthen the unrestricted legal abidance.

Dr. Plascencia Villanueva pointed out that he will seek the collaboration of different bodies of the Legislative Power in order to overcome the issues that hinder legislative harmonization; he will reinforce the international presence of the CNDH and, regarding the tendency of not accepting Recommendations, he will sponsor a legal reform so that the authorities which are obliged to obey them, face some kind of responsibility when they refuse to do so.

Furthermore, he invited the CNDH's advisors –whom he defined as the representatives of society within the National institution- to jointly develop a work plan which he vowed to carry out. He also requested the collaboration of the country's Human Rights Presidents and State's Attorney to be able to comply with what the country demands on the subject of human rights.

After stating that we all have the duty of consolidating the State of Law and democracy, he mentioned that during the next five years he will search for more opportunities regarding the effectiveness and exercising of human rights, which also implies more responsibilities for all, meaning we must all join in on the fight against the abuse of power.

The new National Ombudsman announced some of the members of his working team who have taken the oath from the chairman; First General Visitor, Dr. Luis García López Guerrero; Second General Visitor, Dr. Luciano Silva; Third General Visitor, Lic. Daniel Romero; Fourth General Visitor, Lic. Teresa Paniagua; Fifth General Visitor, Mtro. Fernando Batista; Executive Secretary, Luis Ortiz Monasterio; Official Mayor, Mtro. Malcolm Alfredo Hemmer Muñoz; General Coordinator of Communication and Projects, Lic. Arturo Zárate Vite; General Director of Complaints and Orientation, Dr. Máximo Carvajal Contreras; General Judicial Director, Dr. Javier Sepúlveda; General Director of Automated Information, Ángel Efraín Pedroza Navarro; General Director of Planning and Análisis, Dr. Gerardo Gil Valdivia.

The Actions for the first 100 days. Towards a serious change.

On the 25th of November 2009, the Program The Actions for the first 100 days. Towards a serious change. was presented in order to gauge public opinion. During this event, Dr. Raúl Plascencia Villanueva announced that this program is based on five main courses of action, nine themes and 35 specific actions which will allow for a change to be made within the CNDH and will modernize the social aid entrusted to it.

He underlined that one of the pillars of this Project is the design of an Institutional Work Platform where social involvement, the joining of efforts with civil society, encouraging the strengthening of institutions and the construction of the culture of legality are the ruling principles.

He announced that the essential objective of the work plan is to substantially increase the efficacy of the CNDH's actions for the benefit of all Mexicans and those who reside in or are in transit through our country, as well as preparing the National Institution to face the challenges and transformations on the subject of human rights.

Dr. Plascencia Villanueva emphasized that in order to accomplish this goal, the starting point must be the consolidation of this institution's virtues together with the correction of its weaknesses. He expressed that he will publish the expenditure of public resources periodically.

He announced that he has initiated a strict and comprehensive audit in the assignment of public resources which will not allow for sumptuary expenses, mobile phone call expenses will be reduced, programs will be adjusted to meet the budget cut of 100 million pesos, the protection and promotion programs will be reorganized together with the regional offices and, finally, a meticulous evaluation of the efficiency of each area and each public servant will also be set in motion.

He explained that since his first day in office, he set in motion actions which he will finalize during the first 100 days of his administration, focused on the development of an Institutional Work Platform based on five main courses of action, which are:

- The strengthening of the culture of legality and achieving the establishment of a Charter of Duties a cargo de todas las personas;
- Reform and restructuring of the CNDH;
- Reinforce the aid given to victims;
- Encouragement of the Inter-Institutional Unity of the Ombudsman and an increased participation with national and international non-governmental organizations;
- Strengthening of the relationships between the CNDH and public institutions;

Equally, he pointed out that the democratic development of a country is closely intertwined with the respect of human rights and serves as a reference for the design and implementation of public policies. "The protection of human rights is an irrefutable principle of democracy", he sustained.

He revealed that the lack of respect for the fundamental rights in a Constitutional State contributes to the appearance of serious problems such as social and political exclusion, the resolution of controversies al margen de la ley, the lack of opportunities to achieve a worthy life, which also weakens public institutions.

In this new stage which has a renewed and dynamic mission statement regarding the protection and respect of human rights, Dr. Plascencia Villanueva called upon the different sectors of society to celebrate a National Agreement for the Culture of Legality and a State of Law.

He recalled that on the first day of his administration, he created the Special Unit for Aid to Victims of Kidnapping; he announced the establishment of a National Network for Aid to Victims of Kidnapping; as well as the establishment of the Citizen Participation Councils; the design of the Charter of Duties of the People; he called for the forum "The Perspective of Human Rights in Mexico" and he announced that the Diagnostic of the Human Rights Situation in our country will be updated.

The basis for a National Alert System for Human Rights Violations will also be designed, legal reforms will be sponsored in order to follow up on the fulfillment of settlements and recommendations, collaboration with public institutions for the defense and protection of human rights will be strengthened and the CNDH's international presence will be increased, as well as with international non-governmental organizations.

He announced the summoning of the different social sectors to participate in a Forum about Economic, Social, Cultural and Environmental Rights, in order to analyze their legal recognition, answerability and fulfillment together with the international juridical instruments currently in effect, specific experiences derived from their enforcement as well as the diagnosis of those rights in our country.

Finally, Dr. Plascencia Villanueva pointed out that "at the CNDH we are adamant about creating synergies with society and with the institutions of the Mexican State as well as having a constructive participation in the transformative processes the country requires, so that the comprehensive defense and protection of human rights becomes a commitment for all of us".

The CNDH launched the electronic system for information requests known as INFOMEX

On the last 9th of November, this National Commission launched the electronic system for information requests known as INFOMEX, through which public access to the CNDH's files is facilitated and it will also serve as a tool for petitioners who wish to consult and update their personal information and give notice of appeals for revision.

Before the president commissioner of the Federal Institute of Access to Public Information (IFAI), Jacqueline Peschard Mariscal, this National Commission expressed that accessing CNDH information is found to be specially important in the evaluation of its performance as an institution in charge of protecting human rights given that it allows (based on the knowledge of the complaints they research) for interested parties to construct an objective opinion of the work it is carrying out, as well as the frequency and intensity with which different authorities violate the fundamental rights.

With this and other actions, the CNDH reaffirms its commitment to the National Project for Transparency and Accountability, guaranteeing access to the information possessed by the institution in a way which is agile, effective, and within everyone's reach, supporting our society's democratization.

Last June the CNDH and the IFAI signed an agreement to collaborate with the implementation of this system, which demonstrated that the ample and timely access to public information is one of the requirements for the proper operation of democratic systems. For this purpose, the CNDH has carried out various actions which strengthen citizen participation, transparency and encourage accountability.

Due to the importance and social transcendence of the duties assigned to the CNDH, its work has been subject to public scrutiny and has even placed itself on the leading edge of the institutional efforts to achieve transparency.

Over the last ten years, the CNDH has rendered accounts clearly and in a timely manner through different channels, presenting them to the corresponding institutions of the Mexican State as well as to the members of society who are interested in the work carried out by this National Institution.

Up until September of this year, 1,808 requests for access to information had been received. The majority of the cases, with the exceptions established by the rulings on the subject, received the requested information, he stated.

The CNDH praised the evident commitment of doctor Peschard Mariscal and the personnel of the IFAI to perfect some of the essential instruments required for us to have a better democracy. With efforts such as the INFOMEX system, the IFAI and the CNDH reinforce the observance of the right to information and to the development of a culture of transparency in our country.

The president commissioner of the IFAI, Jacqueline Peschard stated that our country's democratic consolidation will be achieved the day that the rights to access information and protection of data, established in articles 6° and 16° of our Constitution, are fully enforced.

She said this statement arises from the realization that the enforcement of these rights is essential for the full exercising of the other guarantees of the people. "Without transparency, she added, the enforcement of rights is subject to the authority's discretion; and without the protection of privacy, the citizen does not have the necessary space to comply with them".

Peschard Mariscal underlined that practicing the right to access information, apart from fomenting justice, also inhibits the violations of people's rights given that it fights the hidden exertion of power, which in turn fights the authority's discretion and arbitrariness.

"It seems to be the appropriate time and place to point this out: A Democratic State is, above all, a State of Law, where the exercise of the fundamental guarantees is protected, and it is upon the CNDH and the IFAI that such an important task falls", she said.

She mentioned the possibilities provided by the INFOMEX system to be better informed about the work carried out by any of the public entities that incorporate themselves to it. She said that INFOMEX's ultimate goal is the creation of a platform for access to information, through which any person, with a basic level of education, in and out of the national territory, may request information on any subject to the public institutions of the country. The idea is to create a special counter through which to obtain the required information and advice.

Among those in attendance during this event, in which the launching of INFOMEX within the CNDH took place, were public servants of the IFAI and the CNDH, as well as from the National Supreme Court of Justice, the Council of the Federal Judicature, the Electoral Court of the Judicial Power of the Federation, the Bank of Mexico, the Federal Electoral Institute (IFE) and the Superior Auditing Body of the Federation.

The CNDH supports the female struggle

In celebration of the International Day for the Elimination of Violence Against Women, which is commemorated on the 25th of November, this National Institution supports women in their long fight for gender equality and the progressive acknowledgement and enforcement of their rights.

The CNDH acknowledges the national and international efforts to spread and protect the human rights of women.

Within the work plan for 2009-2014 of the National Ombudsman, Dr. Raúl Plascencia Villanueva, the attention to violence against women, a problem which significantly harms their rights, is of predominant importance together with gender inequalities, both of which pose a constant threat to the consolidation of democracy.

The CNDH will promote all of the actions derived from the debate between civil society organizations and dedicated institutions, focused on fighting violence against women and in favor of the equality between men and women.

It will continue its fight to stop femicides throughout the country, and defeat the impunity of those homicides, as a fundamental act of justice and a clear example that the Mexican State is determined to eradicate violence against women.

In Ciudad Juárez, Chihuahua, 504 femicides have been committed; the CNDH will insist justice be made, impunity end and those responsible be punished.

It will fight for the creation of Aid Centers for Victims of Violence (CAVI) in the entities where they are not yet present.

Even when most of the federative entities have carried out some sort of juridical reform, a comprehensive plan must encompass sanctions for those responsible, adequate guarantees for the victims and mechanisms for the coordination between the public powers which enforce the measures for the protection of women.

The National Commission also considers it important to abide by what has been foreseen in the various international instruments that have appeared on the subject, which impose a series of duties on the States regarding the way they must conduct themselves, as well as the treatment they must give to this particular group.

The CNDH contributes to the protection of our countrymen

As part of the joint effort to achieve the efficient operation of the Paisano Program, the Mexican National Human Rights Commission is maintaining a presence in the main border crossing points along the northern border until the first half of January 2010, with the objective of preventing, and if necessary, attending to the complaints of Mexicans returning to the country coming from the United States of America and Canada.

Assistant Visitors from this National Institution, assigned to the regional offices of Tijuana, Baja California; Nogales, Sonora; Ciudad Juárez, Chihuahua, and Reynosa, Tamaulipas, as well as to the Migrant Aid General Management in the Federal District, are located in airports, vehicular and pedestrian crossings, international bridges, fiscal patios, areas for the temporary detention of vehicles, sentry boxes and customs in order to verify the Winter Paisano Operative.

The CNDH's representatives provide, in help desks, advice and information about human rights to travelers, hands them printed media with information about the National Commission's services and assist them, when necessary, in the filing of declarations and complaints.

The staff verifies that the authorities fulfill their obligation to provide quality services in accordance with the law, avoiding any mistreatment, extortion, theft, corruption and arrogance that may be incurred by public servants against fellow countrymen entering the country.

Amongst other things, the coverage includes visits to migratory stations and places with high migratory traffic, such as the garitas in Tijuana and Mexicali, Baja California; the international bridges at Los Ébanos, Reynosa-Pharr and Las Flores, Tamaulipas; the garita installed at kilometer 30 of the Ciudad Juarez-Chihuahua highway and the international bridges at San Jerónimo-Santa Teresa, Palomas and Guadalupe, in Chihuahua; and Garita Mariposa and the Tactical Customs Center, kilometer 21, in Nogales.

In the event of being subject to abuse, the migrants may be defended free of charge and may communicate with their relatives. In order to request information and legal advice, from anywhere in the country, the CNDH provides the toll free number 01800 715 2000 to attend them.

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