

# NEWSLETTER

## MEXICAN NATIONAL HUMAN RIGHTS COMMISSION (CNDH)

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#### CGCP/277/10

##### IT IS ESSENTIAL TO TEACH CHILDREN ABOUT THEIR DUTIES: CNDH

The Mexican National Human Rights Commission (CNDH) organized a drawing contest named *Duties are...a better country* ("Deber-es...un México Mejor"), in order to promote the duties we have as Mexicans amongst children. Through the contest, the CNDH is fostering the culture of legality amongst kids and is raising their awareness about the fact that they must comply with certain duties in order to lay the groundwork for social coexistence. 11 year old Luis Rogelio Martínez from Guerrero won first place. Two girls, Daniela Fernanda Pérez Moreno and Melissa Ortiz Vivas, also from Guerrero, took second and third place, respectively. The jury was composed by artists and teachers from the *La Esmeralda* school, run by the National Institute of Fine Arts and from the San Carlos Academy as well as by the Head of the Program for Children and Family Matters of the CNDH. According to official figures, there are about 30.5 million children under the age of 15 in our country.

#### CGCP/278/10

##### IMPROVING STRATEGIES FOR THE PROTECTION OF INDIGENOUS PEOPLE

On November 8<sup>th</sup> the CNDH hosted the Forum: *Human Rights of the Indigenous People. Centennial*, held in Merida, Yucatán, where specialists reviewed the current state of indigenous people and communities, a hundred years after the Mexican Revolution. Its objective was to create

proposals which would in turn lead to the formulation of public policies, with the aim of contributing to the defense and promotion of the human rights of this population group. Furthermore, during the forum, agreements to encourage the fulfillment of the recommendations made by the Universal Periodic Review carried out by the United Nations were signed with local authorities. Such recommendations include addressing the current situations endured by indigenous people in order to try and reduce poverty and lower the undernourishment and mortality rates. Mexico is the eighth most ethnically diverse country in the world and it is a country where more than 60 autochthonous languages are spoken.

#### **CGCP/280/10**

##### **COMPLAINT SUBMITTED BY JOURNALIST**

The Mexican National Human Rights Commission has opened a complaint file and is looking into the case of journalist Jorge Alejandro Medellín, a reporter from the *Milenio Semanal* magazine who received death threats. The reporter declared that on Sunday, October 31<sup>st</sup>, he received two death threats via e-mail in which he was blamed for publishing an article in the aforementioned magazine. The offended stated that he has filed a report with the corresponding authorities and asked of the National Commission that it look into the case. The national Commission is keeping an eye on the situation and it underlines the need for guaranteeing that journalists will be able to exercise their professions without being threatened or attacked.

#### **CGCP/281/10**

##### **CNDH INVESTIGATES THE DEATH OF ONE PERSON IN GARCÍA, NUEVO LEÓN**

The Mexican National Human Rights Commission began a self-initiated complaint file due to the attack suffered by an architect when he was travelling onboard a vehicle in the García municipality of Nuevo León. According to information published by the media, architect Fernando Osorio Álvarez died on Thursday, October 28<sup>th</sup>, as a result of gunshot wounds. In the eyes of the national commission, both Mexican laws and international treaties on human rights require authorities to perform public safety duties in accordance with the law and with respect for the fundamental rights to life and physical integrity of all people.

#### **CGCP/282/10**

##### **OMBUDSMAN WELCOMES AN HONDURAN GROUP**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, offered to help with locating the Honduran migrants who have allegedly disappeared whilst in transit through Mexico. He welcomed the members of the Sixth Group of the Honduran Network of Committees for Missing Migrants and Relatives, which left from Chiapas last Sunday and traversed various states, being mainly constituted by the mothers of the migrants who have allegedly gone missing within Mexico. Upon their arrival, the Ombudsman acknowledged the work carried out by the Committees of Migrants' Relatives, which are mostly made up of women, and praised their accomplishments and the education they have given their members. The National Commission will provide them with the support needed to reinforce their organization's work, which focuses on defending the human rights of migrants. According to data from international institutions, during the last ten years, the number of migrants around the world has jumped from 150 million in the year 2000 to the current 214 million. In other words, one in every 33 people is a migrant.

#### **CGCP/283/10**

##### **CNDH BEGINS A SELF-INITIATED INVESTIGATION INTO THE DEATH OF A JOURNALIST**

The Mexican National Human Rights Commission began a self-initiated complaint file to follow up on the investigations into the death of journalist Carlos Alberto Guajardo Romero, reporter for the *Expreso de Matamoros* newspaper, which occurred in Matamoros, Tamaulipas. The National Commission sent visitors to Matamoros in order to perform the necessary inquiries and offer help to the victims' relatives. The CNDH deplored violence against communicators and urged authorities to effectively investigate the case of Carlos Alberto Guajardo Romero, whose murder brought the number of journalists murdered in our country since the year 2000 up to a total of 66. The national Commission reiterated its commitment to investigate the cases which concern it and denounce attacks against journalists.

#### **CgCP/284/10**

##### **CNDH REQUESTS PRECAUTIONARY MEASURES FOR UNIVERSITY STUDENT**

The Mexican National Human Rights Commission initiated a complaint file and asked the Office of the Attorney General (PGR) to adopt precautionary measures in order to ensure the physical and emotional integrity of university student José Darío Álvarez Orrantía. He was fired upon and wounded by alleged officers of the federal police force on October 29<sup>th</sup>, during a peaceful protest in front of the institute of Biomedical Sciences of the Ciudad Juárez Autonomous University. The student's father, José Juan Álvarez, filed a complaint at the National Commission given that civil servants from the PGR insisted on taking his statement even though his health was in a fragile state. The CNDH offered the father legal assistance and psychological aid. The national Commission is keeping an eye on these events and will issue the lawfully required resolution when appropriate.

#### **CgCP/285/10**

##### **CNDH SUGGEST THE CREATION OF A NATIONAL JOURNALISTIC OBSERVATORY**

Whilst taking part in the 66<sup>th</sup> General Assembly of the Inter American Press Association (IAPA), the president of the CNDH, Raúl Plascencia Villanueva, expressed Mexico's need for a National Observatory to provide more information about the offences committed against journalists and identify the places with the highest incidence of attacks against communicators. Raúl Plascencia Villanueva maintained that the intention to limit the freedom of the press and the freedom of speech is not excusable under any circumstance and that attacks against journalists are even less admissible. According to its own figures, the CNDH counts a total of 66 journalists who have lost their lives since the year 2000.

#### **CgCP/286/10**

##### **CNDH PROTECTS THE RIGHTS OF INDIGENOUS PEOPLE**

During his participation in the forum: *Human Rights of the Indigenous People Centennial*, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, said it was necessary for the respect for indigenous people to become a top priority within the national agenda. He pointed out that indigenous people account for about 13 per cent of the country's population, "therefore causing the National Commission to reaffirm its commitment to continue increasing the demand for human rights respect." Almost ten years after the Amendment to Constitutional article No. 2 was passed, through which the right of indigenous people to self-determination was acknowledged, some states have yet to enforce it. Aside from this, the CNDH has brought up 884 cases involving indigenous people for their review by prison authorities; out of these, it has managed to negotiate the early release of 363 people.

### **CGCP/287/10**

#### **CNDH CREATES A REPORT ABOUT FEMINICIDES**

During a meeting with leaders of non-governmental organizations (NGOs), the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, reported that work is being done to elaborate a Special Report about Femicides and Women who have gone missing throughout the country. These NGOs are members of the International Mission for Women's Access to Justice in Mesoamerica and they presented a report about femicides and violence against women in Mexico, as well as about the problem of missing women and human trafficking. These civic organizations suggested that the three branches of the Federal Government should implement the criteria established within the Inter-American Commission on Human Rights' resolution on the *Campo Algodonero* case, which protect women; they should also promote the classification of femicide as a crime, encourage the statistical recording of cases involving the murder and violence towards women and sanction the civil servants who violate their human rights.

### **CGCP/288/10**

#### **AUSTERE AND TRANSPARENT SPENDING**

The current administration of the Mexican National Human Rights Commission, presided by Doctor Raúl Plascencia Villanueva, is aware of its duty to manage the institutions' budget and has therefore ordered the enforcement of an austerity program which has resulted in reduced spending within various areas and includes an 11% salary reduction for the upper ranks, as is explained in press release number 052, dated on February 24<sup>th</sup> 2010. The Mexican National Human Rights Commission is working towards making its operation and resource usage more transparent through quarterly publications of expenditure reports on its website, quarterly operations reports and the monthly publication of the entirety of the requests for transparency.

### **CGCP/289/10**

#### **RECOGNITION OF THE WORK DONE BY THE CNDH**

Representatives from international organizations proposed backing the activities performed by the Mexican National Human Rights Commission whilst refraining from attempting to discredit its work during the inauguration of the *Male and Female human rights Defenders in Mexico: challenges and perspectives* seminar at the Franz Mayer museum. There was a consensus amongst the speakers on the need to protect and guarantee the work carried out by human rights defenders. There was also a consensus on joint efforts, extending ties, and working in a more coordinated fashion in order to progress together on the subject of human rights in Mexico. On the subject, Raúl Plascencia Villanueva, president of the CNDH, stated that the work of the defenders of society must have no limitation given that their actions are essential for the full enforcement of the State of Law and the democratic consolidation of our country.

### **CGCP/290/10**

#### **EXPANSION OF THE COMPREHENSIVE AID NETWORK FOR VICTIMS OF KIDNAPPING**

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, maintained that public safety is an essential human right, thus making it necessary to lower the rate of crimes which go unpunished in our country. The national Ombudsman began operating the Comprehensive Aid Network for Victims of Kidnapping in the state of Morelos, which will facilitate access to aid and protection systems. Whilst signing a collaboration agreement on the subject with the state government, representatives from the legislative and judicial branches and the State Human Rights Commission, Plascencia Villanueva talked about the joint efforts to disseminate the

fundamental rights of the victims of such crime. The enforcement and observance of the rights of crime victims, and specially those of victims of kidnapping, will be strengthened.

#### **CGCP/291/10**

##### **THE PREVENTION OF ANTISOCIAL BEHAVIOR IS FUNDAMENTAL**

Whilst at the IV National Prison System Conference, the president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, mentioned that the problems faced by the prison system may be solved if we all work together and are self-critical. Speaking before federal authorities and prison directors from across the country, the national Ombudsman declared that the CNDH is committed to the supervision of what goes on inside each of the 428 imprisonment facilities in the country. He believes that the State must, through public institutions, be able to not only socially readapt inmates, but also prevent the development of antisocial or criminal behavior.

#### **CGCP/293/10**

##### **MILITARY PERSONNEL TRAINING INCREASED BY 57% IN ONE YEAR**

The Mexican National Human Rights Commission declared that 120 activities related to the respect for human rights aimed at personnel of the Armed Forces have been carried out. Since November 2009 and through to October 2010, 16,677 members of the armed forces have been trained in a joint effort with the Secretariat of National Defense (SEDENA). 55 conferences, 57 courses, 3 specialty courses and 5 seminars were offered. The topics which have been discussed during these activities are: journalists' rights and freedom of speech, assisting victims of a crime and abuse of power, human rights in Mexico, basic principles for the use of firearms and the use of force, armed forces and human rights, prosecution and prevention of torture, the current problems faced by human rights in Mexico, the involvement of military personnel in public safety duties, the use of force and arbitrary detentions, and the ethics and values of public service.

#### **CGCP/294/10**

##### **CNDH BEGINS AN INVESTIGATION INTO THE DEATH OF YOUTHS**

The Mexican National Human Rights Commission began a self-initiated investigation into the death of two people in the municipality of Jalpa de Méndez, Tabasco. According to the information published by the media, Víctor Manuel Chan Javier and Ramón Pérez Román lost their lives as a result of gunshot wounds in the early hours of Sunday, November 14<sup>th</sup>. They both died inside the vehicle they were travelling in after supposedly evading a checkpoint. The National Commission insists that, as a general rule, public force must only be used in situations where it is strictly necessary and unavoidable. The CNDH will carry out the necessary inquiries and, after analyzing and evaluating the evidence, will issue the lawfully required resolution.

#### **CGCP/295/10**

##### **DEVELOPMENT AND GOVERNABILITY LINKED TO HUMAN RIGHTS**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, affirmed that a lack of respect for human rights places governability in jeopardy and helps generate problems such as social and political exclusion. During the Tenth *Sonora Siglo XXI* Forum, held in the University of Sonora. The national Ombudsman provided insight into the challenges and problems currently faced by them and added that democratic development is closely linked to the respect for human rights. It is also a way to measure governability and must be considered when designing and implementing public policies; because of this, civil servants at all levels must act in accordance with the Constitution and laws, respect human rights and keep their obligations in mind in order to create a truly democratic country.

#### **CGCP/296/10**

##### **TEACHING CHILDREN ABOUT THEIR DUTIES IS ESSENTIAL**

During the prize giving ceremony of the *Duties are...a better country* (“Deber-es...un México Mejor”) drawing and painting contest for children, the First General Visitor of the Mexican National Human Rights Commission, Luis Garcia, said that the contest is part of the activities organized by the national Commission to instill the culture of legality in children and raise their awareness about the fact that they must comply with certain duties in order to lay the groundwork for social coexistence. Boys and girls from several of the country’s states who are fourth, fifth and sixth grade students participated in the event. 11 year old Luis Rogelio Martínez from Guerrero won first place and two girls, Daniela Fernanda Pérez Moreno and Melissa Ortiz Vivas, also from Guerrero, took second and third place, respectively. Ortiz Vivas said the awards commits them to “being a single heart in order to love all living things, being the source of will power in order to achieve our future goals and having the intelligence needed to create the country we would like to have: clean, fair and free.”

#### **CGCP/297/10**

##### **CNDH PRESENTS THE CHARTER OF *RIGHTS AND DUTIES OF THE PEOPLE***

Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission, said that the lack of law abidance is the source of problems which hinder the democratic development of society, such as corruption and impunity. As a result, the proper operation of some of the principles of the State of Law is tampered with and a subculture which goes against law abidance and respect arises. This was stated by the national Ombudsman during the presentation of the charter of *Rights and Duties of the People*, written by the CNDH. He felt that some social, financial and political actors have yet to make the commitment to fully respect the law. Legality ensures peaceful social coexistence but it also demands the uttermost respect for human rights and the fulfillment of people’s duties.

#### **CGCP/298/10**

##### **ISABEL MIRANDA AWARDED NATIONAL HUMAN RIGHTS PRIZE**

The defender of the rights of victims of kidnapping, Isabel Miranda Torres de Wallace, was awarded the National Human Rights Prize for 2010. The president of the *Stop Kidnapping* (Alto al Secuestro) civic organization is tireless defender of society and is motivated by searching for and finding those responsible for the kidnapping of her son, Hugo Alberto Wallace Miranda. Moreover, she collaborated in writing the *bill for Preventing and Sanctioning Kidnapping Crimes*, which was passed by the Chamber of Deputies on October 7<sup>th</sup>. Her work, which has been praised both nationally and internationally, has focused on helping victims of kidnapping and fostering changes to achieve a better administration of justice in order to end this crime’s impunity. She is also a member of the Council for the Application of the New Concept of Investigative Police.

#### **CGCP/299/10**

##### **THE EXCLUSION OF HANDICAPPED PEOPLE IS INADMISSIBLE**

The president of the Mexican National Human Rights Commission, Raúl Plascencia Villanueva, affirmed that Mexican society is indebted to persons with disabilities whilst speaking during the *National Consultation Forum The Rights of the 21<sup>st</sup> Century for Persons with Disabilities*. The national Ombudsman assured that the lack of timely attendance to the needs of this group reveals the scarce commitment of authorities with the respect for their human rights. Work has

been done to raise awareness amongst civil servants in order to enforce the laws and regulations on the matter and overcome the situations unforeseen by the law which limit and hurt a handicapped person. The national Ombudsman insisted on harmonizing laws in favor of people with disabilities in accordance with the criteria of the Convention on the Rights of Persons with Disabilities of the UN and its Optional Protocol.

#### **CGCP/300/10**

##### **JOINING EFFORTS FOR THE BENEFIT OF VICTIMS**

During the National Seminar on Victims of Crime and Human Rights, Raúl Plascencia Villanueva, president of the Mexican National Human Rights Commission declared that in order to end the vulnerability of crime victims in our country it is necessary to join efforts and collaborate in creating a comprehensive aid system. The national Ombudsman added that the system's procedures should have a humanistic outlook, where institutional intervention has the main objective of protecting the human rights of these people and ensure an effective reparation of damages. "The attack suffered by a victim within his or her physical, moral, psychological and social sphere affects the victim, the family circle and the society surrounding him or her equally," said the president of the CNDH.

#### **CGCP/301/10**

##### **CNDH OVERSEES THE PAISANO PROGRAM**

Staff pertaining to the CNDH will deploy to the country's main highways in order to help, guide, and receive complaints from our fellow countrymen upon their return to Mexico from the United States of America and Canada. Additionally, with the aim of fostering and ensuring the respect for the human rights of our countrymen, the Mexican National Human Rights Commission will deploy staff to the main border crossings during the end of the year in order to verify the execution of the *Paisano de Invierno 2010 Operative*. It will offer assistance, advice and information on human rights to travelers and will verify that authorities comply with their obligation to provide them with quality services and do so as dictated by law. The National Commission will be supervising airports, bus stations, pedestrian and vehicle crossings, international bridges, checkpoints, customs areas and all other places where the *Operative* will be carried out. The CNDH offers a toll-free telephone number: 01800 715 200 and an e-mail address: [migrantes@cndh.org.mx](mailto:migrantes@cndh.org.mx) for nationwide information and legal advice requests.

### RECOMMENDATIONS

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

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

#### **RECOMMENDATION 65/2010**

Mexico City, November 9<sup>th</sup>, 2010

**SUBJECT: ABOUT THE CASE OF THE FORMER CIVIL SERVANTS AT THE CIENQUILLAS SOCIAL RE-ADAPTATION CENTER IN ZACATECAS**

AUTHORITY RESPONSIBLE:

SECRETARY OF FEDERAL PUBLIC SAFETY

On June 24<sup>th</sup> 2009, the complaint filed by Q1, Q2, Q3, Q4, Q5, Q6, Q7 and Q8 was received by the national commission, in it, they declared that former civil servants assigned to the *Cieneguillas* Social Re-Adaptation Center in Zacatecas up until the 16<sup>th</sup> of May of that year, were subject to maltreatment during their detention and arrest.

From the logical juridical analysis of the evidence which makes up the file it was confirmed that the human rights of V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17, V18, V19, V20, V21 and V22 were violated, specially the right to proper treatment, by AR1 and AR2, who body searched them before getting them out of the Zacatecas Institute of Sport (INDEZ) and taking them to the aforementioned center.

In response to these events, the Mexican National Human Rights Commission considers it necessary to issue the following **RECOMMENDATIONS**:

**TO YOU, MR. SECRETARY OF FEDERAL PUBLIC SAFETY:**

**FIRST.** Issue instructions so that the damage caused to V1, V2, V3, V4, V5, V6, V7, V8, V9, V10, V11, V12, V13, V14, V15, V16, V17, V18, V19, V20, V21 and V22 is repaired by means of the psychological aid needed to return their psychological state to the way it was before their human rights were violated, as per the considerations mentioned within the recommendation at hand. Proof of compliance must be sent to the National Commission.

**SECOND.** Amply collaborate with the National Commission during the initiation and processing of the complaint which the commission presents before the Internal Affairs Department of the Federal Police in order for it to investigate the behavior of AR1, AR2, AR3, AR4 and AR5, in accordance with its jurisdiction and the powers entrusted to it, to determine if their actions incurred in an administrative responsibility. Any evidence requested must be sent to the national commission together with proof of compliance.

**THIRD.** Generously collaborate with the National Commission during the initiation and assembly of the preliminary investigation derived from the declaration of events which the Mexican National Human Rights Commission files before the agent of the Public Prosecutor's Office of the Office of the General Attorney against AR1, AR2, AR3, AR4 and AR5. Proof of compliance must be sent to the commission.

**FOURTH.** Instruct whomever it may concern so that civil servants assigned to the Federal Police eliminate the execution of humiliating body searches on detainees. Proof of compliance must be sent to the commission.

**FIFTH.** Train the Federal Police officers who perform body searches on detainees or persons about to be transferred, thus ensuring the uttermost respect for personal dignity and avoiding any discomfort which may infringe upon their human rights. Proof of compliance must be sent to the national commission.

**SIXTH.** Provide the Federal Police officers who perform body searches on detainees or persons about to be transferred with the commercially available equipment and technology for the detection of forbidden substances and objects and train them on how to use them as soon as possible. Proof of compliance must be sent to the National Commission.

## DIRECTORY

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*Luis García López Guerrero*

Second General Visitor  
*Marat Paredes Montiel*

Third General Visitor



*Daniel Romero Mejía*

Fourth General Visitor  
*Cruz Teresa Paniagua Jiménez*

Fifth General Visitor  
*Fernando Batista Jiménez*

Executive Secretary  
*Luis Ortiz Monasterio*

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