



Comisión Nacional de los
Derechos Humanos
MEXICO

Newsletter

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The voice of the President

A new era in Human Rights

Tuesday 14th of June 2011

On Friday the 10th of June, the most profound and transcendent constitutional reform on human rights in recent history was published in the Official Journal of the Federation.

This move represents the culmination of a legislative process which has resulted in the modification of 11 articles of the Constitution.

With the passing of this reform begins a new era in the defense and promotion of human rights which will

bring innumerable benefits to the Mexican people, seeking to reverse a legislative tendency which has increas-



ingly narrowed the rights of individuals under the guise of greater public safety.

The reform has as its axis: to recognize the human rights held by the Constitution, further their education as a State commitment, give a new institutional design for public bodies

on human rights and achieve full recognition of the international instruments adopted by the Mexican State. In this vein, it is opportune to note that the broad and timely knowledge of human rights is the path to eradicating impunity and the abuse of power; conditions and requirements necessary of all public servants. Under these new guidelines, any public servant violating human rights will also be violating the Constitution.

<http://www.eluniversal.com.mx/editoriales/53269.html>

Event of the month

International Ombudsman Conference

On the 16th of June, the President of the National Commission of Human Rights, Doctor Raúl Plascencia Villanueva participated in the International Ombudsman Conference in the city of Willemstad, the Dutch Antilles.

Before defenders of the people of the Americas, Europe, Africa as well as academics

and experts, Raúl Plascencia Villanueva presented the paper "The investigation of violations of human rights and the duty of confidentiality" at this international forum which took place on this Caribbean island, located north of Venezuela.

He explained that with the constitutional reform having recently been signed in our country, the Mexican State will now seek to comply ef-

fectively with the protection of human rights, adopting the necessary measures to resolve the problems facing society, in particular those felt by sectors of society living in vulnerable circumstances.

This reform places the individual as the main focus of the attention of public powers and gives the CNDH the chance to form a new era in the promotion and defense of human rights.



ELIMINATE BACKLOG OF WOMEN'S RIGHTS

CGCP/130/11

1st June 2011

The National Commission of Human Rights and the Tlaxcalan State Commission of Human Rights organized a forum on Human Rights and Universal Values for Men and Women, where it was revealed that of the 16 million women in paid employment in Mexico, around 30% have experienced workplace violence through discrimination

and harassment. It was found that 7 of every ten sexual assaults take place in the home of the victim. As such, specialists, legislators, public servants and citizens agreed on the urgency of remedying the existing backlog of achieving equity and respect for the human rights of women. For the CNDH, to spread amongst the younger generations the concepts of democracy, equity, dignity, dialogue, liberty, justice and tolerance, helps contribute

to the construction of a more just and harmonious society. Linking these universal values with human rights will encourage a greater sense of coexistence and ensure the respect of diversity and equality before the law and every member of society, regardless of their gender.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_130.pdf

REFORM ENFORCEMENT THE DUTY OF ALL

CGCP/131/11

2nd June 2011

Speaking on the recent constitutional reform, CNDH President Raúl Plascencia Villanueva stated that this piece of legislation can be used as a benchmark for other countries, but will require both political will and social commitment to put an end to the violation of human rights. "Despite being of

constitutional matter, the reform alone is not enough to end the violation of human rights; commitment to its cause is fundamental in building an active society who firmly upholds both human rights and the law, which is a necessary condition for the reinforcing of the culture of legality".

It should also stimulate the training of those public servants working

in the judiciary, as judges must hear and resolve cases whilst taking in to account the principles enshrined in the international treaties relating to human rights. This establishes a new procedure which ensures compliance with the Recommendations issued by the CNDH.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_131.pdf

PROGRAM TO REDUCE CHILD ABUSE

CGCP/132/11

3rd June 2011

For the CNDH it is imperative to put in to practice strategies which seek to protect the physical and emotional integrity of the more than 32 million children living in our country, with the aim of preventing any violation of their human rights.

In commemorating on the 4th of June the *International*

Day of Innocent Child Victims of Aggression, the National Commission considers it urgent to draw together society and culture against all actions which threaten the child's dignity. Through the program on Matters of Children and the family, the National Commission carries out educational activities in order to spread the Culture of Lawfulness among children, with

children being made aware of all behavior that threatens their welfare, such as bullying. The *International Day of Child Victims of Aggression* was initiated with the aim of making people conscious of the need to protect the child's rights through peace and security.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_132.pdf

AT 21 YEARS OF AGE, A NEW ERA

CGCP/133/11

4th June 2011

Through 21 years of protecting and safeguarding human rights, the CNDH has served its commitment to promoting the culture of legality.

As a result of its efforts, lawful activity has become the norm throughout Mexican Society. On the 6th of June, the National Organization reaches its 21st anniversary, welcoming a new era heralded by the recent constitutional reforms



in the field of human rights which have already been approved by the legislative powers. These reforms reinforce the care offered to victims of crime, whilst requiring law enforcement agencies to uphold the rights of the victims in order that they be able

to receive full compensation for any damages incurred.

They also ensure that any public servant who is abusing their position of authority is held to account for their actions before federal and local legislators. Besides these functions, the reforms will also allow the CNDH to be informed of complaints relating to the workplace.

<http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO%20CNDH%20133-2011.pdf>

MERCY PLEA FOR MEXICAN CITIZEN

CGCP/134/11

5th June 2011

The National Commission of Human Rights has asked the Board of Pardon and Freedom of the State of Texas, United States of America, to take mercy upon Humberto Leal García who has been sentenced to death.

The CNDH requested that the State Governor, Rick Perry, suspend the execution which

was planned for the following 7th of July. For the CNDH, the case in question must take in to account the results of the inquiry "Case of Avena and other Mexican nationals" released on the 31st of March 2004, in which the International Court of Justice determined that the human rights of the Mexican concerned had been violated. In this instance, the guarantee afforded by International Law citing proper notification and assis-

tance to organize their defense in court, as required by Article 36 of the Vienna Convention. Under the Program Against the Death Penalty, the CNDH has found it necessary to intensify its actions directed towards preventing the application of the death penalty, in this and other cases of Mexicans imprisoned abroad.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_134.pdf

ADMINISTRATION OPEN TO SCRUTINY

CGCP/135/11

6th June 2011

The optimization of public resources, greater transparency and the punctual rendering of accounts are the guiding principles behind the administration of the National Commission of Human Rights announced Raúl Plascencia Villanueva, upon signing the collaboration agreement with the Superior Audit of the Fed-

eration (ASF). Both institutions, within the remit of their respective powers, promote actions aimed at reinforcing the Culture of Legality. This agreement lays the foundations for greater collaboration, along with technical assistance and training that will help assess how closely the organization complies with institutional programs. The National Ombudsman noted that "we are making a commitment

to promoting a clear rendering of accounts by strengthening the systems and control mechanisms which encourage transparency and governance".

The agreement was signed by Raúl Plascencia Villanueva and Juan Manuel Portal Martínez, Superior Auditor of the Federation.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_135.pdf

RESPECT FOR INSTITUTIONS, SERVANT'S DUTY**CGCP/136/11***7th June 2011*

The National Commission of Human Rights looks to reinforce correct institutional performance, to serve society and warn of any deviations that might harm the public service, rather than improving it, stated the CNDH President, Raúl Plascencia Villanueva, during the signing of the collaboration agreement between

the CNDH and the National Institution of Public Administration A.C. (INAP).

The objective of this agreement will be to instigate research, training, consultancy and technical assistance in the area of human rights. The National Ombudsman stated that the work of public servants should be to the benefit of society and to improve the importance of institutions. He noted that this

collaboration agreement would stimulate a whole range of institutional development to strengthen the administrative and substantive activities of the CNDH in the defense and protection of human rights.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_136.pdf

**PROMOTION OF RIGHTS TO PREVENT AFFRONTS****CGCP/137/11***8th June 2011*

With the aim of tackling the violation of human rights, the CNDH will edit and distribute 10 pamphlets containing information on the defense of human rights in the field of public health – noted Raúl Plascencia Villanueva, CNDH President. Through these actions, the CNDH

hope to prevent violations and thus reduce the number of complaints lodged in the area. During the inauguration of the *Workshop on the analysis and evaluation of the dissemination of human rights through the distribution of pamphlets*, President Villanueva assured that it was fundamental to inform, form, train and educate both society and its public servants about

the respect of fundamental guarantees. The topics covered by these pamphlets include: the right of access to a functioning health service, how to avoid patient discrimination, sex and reproductive health care and the care and attention given to victims and vulnerable persons.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_137.pdf

BREAK IN TO BE INVESTIGATED IN PASO DEL NORTE**CGCP/138/11***8th June 2011*

The CNDH is investigating a complaint relating to the possible violation of human rights in which the workers at the *Center of Human Rights Paso del Norte*, in Ciudad Juárez,

Chihuahua have indicated that last Sunday night (5th June 2011), members of the Federal Police broke in to the installations of the civil organization. Those that broke in are then alleged to have caused damage to the aforementioned property. From this moment, the National

Commission will take the necessary steps in investigating the possible violation of human rights.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_138.pdf

NEW ERA FOR HUMAN RIGHTS

CGCP/139/11

9th June 2011

With the constitutional reform in the field of human rights, the CNDH begins a third institutional stage marked by new powers that will allow them to establish themselves as an Organism working side by side with society – mentioned Raúl Plascencia Villanueva. These advances clearly demonstrate the State's willingness to act in strict compliance with the legal order, realizing the

national project that all Mexicans aspire to. "The objective is to ensure the well-being and dignity of each individual, specifically those that are af-



ected by arbitrary actions or any unjust oversight

committed by the authorities."

Through this reform, the rule of law will be weighed against the strong foundations of our demand for rights, committing itself to the fulfilling of the duties to which we are entitled; to the benefit of society, institutions and the country.

http://www.cndh.org.mx/comsoc/compre/2011/CGCYP_139.pdf

Upon decreeing the constitutional reform in human rights which comes in to force on the 1st of June, the CNDH will develop its work in the caring of the victims of crime, or the abuse of power.

CARE BOLSTERED FOR VICTIMS OF CRIME

CGCP/140/11

10th June 2011

Upon decreeing the constitutional reform in human rights which comes in to force on the 11th of June, the CNDH will develop its work in the caring of the victims of crime, or the abuse of power.

The National Commission has given advice relating

to administration; agriculture; civil, fiscal, labor, and commercial matters; factors relating to the family and conflicts between individuals.

The Program provides counseling in the case of crisis or post-traumatic stress, as well as guidance on the rights afforded by law to those who have been affronted. It will also carry out visits to prosecutors' offices and public bodies operating

in the various areas of human rights, to check that they are properly addressing their respective cases.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_140.pdf

CHILD WORKERS AT RISK

CGCP/141/11

11th June 2011

For the National Commission of Human Rights, it is fundamental to apply strategies which inhibit the working of night-shifts by minors, or the undertaking of any task which might put their health at risk.

As part of the commemoration of the *World Day of Child Labor this 12th of June*, the CNDH has joined national and international efforts to prevent children from carrying out hazardous work that threatens their welfare through the **National Campaign to Discourage Child Labor Child Labor Isn't Acceptable!**

This program promotes the child's rights and helps

contribute to eliminating exploitation in the work place. The National Organization considers that only through the coordinated action of the authorities and society as a whole will we see the abating of occupations which put at risk the rights and integrity of minors.

http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO_CNDH_141-2011.pdf

PRESS RELEASES

EQUAL OPPORTUNITIES FOR DISABLED PEOPLE

CGCP/142/11

12th June 2011



It is wholly necessary to generate public policy which eliminates the barriers blocking equal opportunity for people with disabilities. Being disabled should not be seen as

a problem or illness and as such, the CNDH has increased its efforts in promoting respect and support for this sector, which currently represents 5.1% of the Mexican population. It is integral that we implement programs, guidance and services for these citizens, as well as realizing studies in the areas of law; social, economic and cultural policy, with the aim that every individual, regardless of their characteristics,

has the same chance to develop and enjoy their rights. It is essential that we design mechanisms to ensure that the programs of care for people with disabilities have sufficient financial resources and are compliant with the provisions of the Convention on this subject.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_142.pdf

TRAFFICKING A THREAT TO MEXICO

CGCP/143/11

13th June 2011

Through their contribution to combating the problem of trafficking in our country, the CNDH so far this year has trained, on this subject alone, more than five thousand imparters of justice, officials and members of civil organizations. The CNDH has put in to practice a program directed specifically at the public and private transport workers

across the country, which seeks to detect possible victims early, with the detaining of those responsible. In addition, it will carry out work with the hotel and restaurant industries to make them more conscious of this issue in order to combat what is a growing problem in tourist sites.

The National Organization considers the commitment to rejecting all forms of exploitation as a result of trafficking one that we

all share; offering help to those affected and reporting all activities related to this crime. On a global level, according to the estimations of international organisms, more than two million people are held captive every year through trafficking, while in Mexico, official figures indicate that around 16 thousand children are enslaved for sexual exploitation.

http://www.cndh.org.mx/comsoc/compre/2011/CGCYP_143.pdf

CASE OPENED FOR MISSING REPORTER

CGCP/144/11

15th June 2011



The CNDH has opened a complaint file relating to the case of the journalist Marco Antonio López Ortiz who went missing in Acapulco, Guerrero. According to media sources, López Ortiz, head of information at the *Novedades Acapulco* newspaper, was taken hostage by a group of

strangers. Following this event, individuals working with the National Commission went to support the family of the victim, with CNDH officials collecting together information of the event whilst following up on investigations carried out by the offices of the General Prosecutor and the General of Justice of the State of Guerrero, in order to find the missing

journalist. For the National Organism, solving this case along with the punishing of those guilty are the only ways to confront this crime and reinforce the execution of the constitutional prerogative of freedom of expression, which is essential to ensure the democratic existence of any country.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_144.pdf

REFORMS STRENGTHEN PROTECTION OF SOCIETY

CGCP/145/11

16th June 2011

The President of the National Commission underlined that the knowledge of human rights is the path that must be followed in order to eradicate impunity and the abuse of power.

Before defenders of the people of America, Europe and Africa, along with academics and experts in the field, he explained that the recent constitutional reform seeks to

allow the Mexican State to fully and effectively protect human rights, adopting the necessary measures to resolve all problems that society faces, particularly for those that find themselves in vulnerable situations. Raúl Plascencia Villanueva referred to these advances through his paper: "The investigation of human rights and the duty of confidentiality", at the international forum held in Curaçao.

http://www.cndh.org.mx/comsoc/compre/2011/CGCYP_145.pdf



DEATH OF FARMERS TO BE INVESTIGATED

CGCP/146/11

17th June 2011

The National Commission of Human Rights began its investigations and opened a complaint file in relation to the death of two farmers, allegedly at the hands of federal police in Cárdenas, Tabasco.

As a result, individuals working with the organization have conducted research including

site inspections, interviews and information requests made to the authorities about the event. One version of events is that elements of the federal police fired their arms at a vehicle containing five individuals with the vehicle failing to stop when asked to do so at a police checkpoint.

Two of the individuals in the vehicle were killed while the remaining three were detained.

The National Commission will remain abreast of all developments in this case and will release its findings, as and when they become available, according to the law corresponding to this area.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_146.pdf

COMPLAINTS INCREASE IN EDUCATION SECTOR

CGCP/147/11

18th June 2011

So far this year, the CNDH has been presented with 673 complaints for the alleged violation of human rights in the education sector; with the principal reasons being: the restriction of the adequate physical and mental development of the child and the violation of the child's right to education.

As a result, the National Commission has bolstered its activities under the National Program to Reduce and Eliminate Violence in Schools, in order to prevent behavior that could jeopardize the integrity of students and teachers. The program disseminates knowledge of the rights of children and adolescents.

Personnel of the Commission will visit primary and secondary

schools – both private and public, across the republic, carrying out workshops to promote fundamental rights and the obligations of parents, students, teachers and authorities.

<http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO%20CNDH%20147-2011.pdf>

RESPECT FOR THE RIGHTS OF REFUGEES

CGCP/148/11

19th June 2011

As part of the commemoration of **World Refugee Day on the 20th of June**, the National Commission notes that public policy should be implemented which guarantees the respectful treatment of the fundamental rights of refugees and asylum seekers, while increasing their efforts in economic and social development. Last year,

the CNDH signed a collaboration agreement with the United Nations High Commissioner's Office for Refugees.

Through this agreement, the Commission conducts activities directed at promoting and supporting the recognition of rights recognized by national and international legislation. With the aim of bringing national legislation in line with international standards, last January

the Refugee and Supplementary Protection Act was enacted, which guarantees the rights of these people. According to official figures, there are about 1, 400 refugees currently residing in Mexico.

<http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO%20CNDH%20148-2011.pdf>

70 JOURNALISTS KILLED FROM 2000 TO DATE

CGCP/149/11

20th June 2011

The National Commission of Human Rights has opened a complaint file – a move required by law in order to begin the investigation of the death of the journalist Miguel Ángel López Velasco along with his family in the port of Veracruz.

The National Organization

has sent personnel to collect information, offer support and help the family members of the victims.

It will also closely monitor the actions of the authorities whose motivation should be the solving of the case and the arresting of those responsible.

Assaults committed against the media and journalists not only threaten the integrity and live of those

on the receiving end, but also indirectly harms society, violating the right to information.



http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_149.pdf

THE FUNDAMENTAL PARTICIPATION OF CIVIL SOCIETY

CGCP/150/11

21st June 2011

Through dialogue, the CNDH has established permanent communication and cooperation links with civil organizations, with whom they have signed more than 470 cooperation agreements from 2010 to date.

“The collaboration of civil society is essential to the

promotion of an effective culture of human rights, which would not be possible without the participation of public organisms and its citizens”.

A united effort is required between public human rights organisms and the general public, indicated Raúl Plascencia Villanueva when speaking at the First State Conference on Citizen and Social Participa-

tion, where he also gave the keynote address “Citizen Participation and the Social Protection of Human Rights in Mexico in Light of the Constitutional Reform”. The Ombudsman added that open dialogue and discussion are essential in the decision making of public life and politics.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_150.pdf

CNDH INVESTIGATES MEDICAL NEGLIGENCE

CGCP/151/11

22nd June 2011

The mothers of three children, between five and six months of age, along with a person of 44 years filed a complaint in the Michoacán State Commission of Human Rights. The case was later turned over to the National Commission due to its involvement with a federal institution which constituted a possible violation.

According to the testimonies of those making the complaint, on the 7th of June they attended the *IMSS Oportunidades* medical center in order that the children receive the vaccinations “Pentavac” and “Hepatitis B”.

Hours after receiving the vaccinations, the minors began to sweat and pass out. As a result of which, they were then taken to hospital where they were diagnosed with hypoglycemia.

Following this event, the CNDH began its investigation in to the case and has also offered support to the families of the victims, through which the minors concerned will receive the due medical attention to aid their recovery. All damages will also be recovered.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_151.pdf

STATE OBLIGATION TO GUARANTEE SECURITY

CGCP/152/11

23rd June 2011

The Constitutional Reform in Human Rights obligates the Mexican State to create the necessary conditions to guarantee the security, freedom and dignity of the Mexican people – stated Raúl Plascencia Villanueva, President of the CNDH. As a result, the State will have to take the necessary steps to resolve the serious problems faced

by some sectors of society; in particular those who find themselves in positions of vulnerability such as those suffering poverty, inequality and marginalization.

It is considered a commitment all need to take on board in order to construct a society which actively defends its rights along with the necessary knowledge of these rights to strengthen the Culture of Legality. At government level across the country this reform should encourage the develop-

ment and enactment of laws that enable the effective compensation of damages, accommodate the new powers afforded in the labor sector and ensure the procedures are in place for the appointing of members of public human rights organizations, especially within the entities concerned.



http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_152.pdf

FULL RECOGNITION OF WOMEN'S RIGHTS

CGCP/153/11

24th June 2011

Despite national and international protection for women, our country continues to see repeated violations of their rights – mentioned Raúl Plascencia Villanueva, President of the CNDH.

He has called upon society as a whole to think about how

to solve, address and eradicate all forms of violence and discrimination committed against women.

Upon opening the forum Advances in the legal framework and actions to the benefit of women in Mexico, he argued that in order to change practices that violate the dignity of women, it is necessary to recognize equality and encourage and promote the defense

of human rights. He added that repressing violence against women should be a priority for society and the legal system of the Mexican state.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_153.pdf

ACTIONS TO PREVENT TORTURE

CGCP/154/11

25th June 2011

With the aim of preventing and avoiding the practice of torture in Mexico, the National Commission of Human Rights has conducted, from 2010 to date, 1047 visits to detention centers.

Under the **International Day of the Nations United in Support of Torture Victims**, to be commemorated

the 26th of June, the CNDH has signaled that there is no justification for the threatening of the physical or emotional integrity of another human being.

The Commission in their capacity as a National Mechanism in the Prevention of Torture has strengthened its activities in impeding and eradicating the violation of fundamental rights in this area.

The Commission also believes that simply by encouraging the reporting of cruel, inhuman and degrading treatment, impunity will be attacked and those responsible will be able to be brought to justice, according to the law.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_154.pdf

FOLLOW-UP ON CASE OF CHILDREN

CGCP/155/11

26th June 2011

The National Commission of Human Rights is following-up on the events that occurred at the Kindergarten "Andrés Boscó Rodríguez", in which an employee has been accused of sexually abusing a number of their pupils. Under instruction from President Raúl Plascencia Villanueva, personnel

of the CNDH have maintained contact with the victims and their families, supporting them with legal and psychological counseling.

For this National Organization, both Mexican law and international treaties in the field of Human Rights obligate the authorities (including those responsible for education), to protect the physical integrity of its students

with strict adherence to the law at all times.

The Commission considers that the education authorities should be obligated to realize its functions observing at all times the best interest of the child and other principles contained within the Universal Declaration of the Child's Rights.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_155.pdf

STRENGTHENING OF CARE FOR PEOPLE WITH HIV

CGCP/156/11

26th June 2011

Upon commemorating on the 27th of June the 10th anniversary of the Declaration of the Commitment to the Fight Against HIV/AIDS, the CNDH considers that it should intensify prevention campaigns in order to help avoid further cases of contraction of the aforementioned virus.

It is estimated that in Mexico there are 240 thousand people living with Human

Immunodeficiency Virus (HIV) – the cause of AIDS; of whom, only a quarter are aware of their condition. As such, it's vital to promote within society those habits which prevent transmission of the virus.

The National Commission has strengthened its diffusion activities under the Program for the Promotion of the Human Rights of People Living with HIV or AIDS, by visiting educational and health institutions, distributing posters,

leaflets, books and CDs to the public so that they know their rights and are able to enforce them.

In addition, the Commission considers it essential to abate the exclusion and rejection that hinders the access for individuals suffering from HIV or AIDS to quality medical care and obtaining the necessary medicines for their treatment.

[http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO%20CNDH%20156-2011\(1\).pdf](http://www.cndh.org.mx/comsoc/compre/2011/COMUNICADO%20CNDH%20156-2011(1).pdf)



CNDH INVESTIGATING CASE OF MIGRANTS IN VERACRUZ

CGCP/157/11

27th June 2011

The National Commission of Human Rights is investigating the disappearance of migrants in Medias Aguas, Veracruz.

The CNDH demands the finding of these people, a sound clarification of exactly

what happened and the bringing to justice of those found responsible for this crime, which must not go unpunished. In addition, it considers the kidnapping of migrants a crime which threatens the dignity of whichever individual, violating inherent human rights such as: liberty, legality, security under the law, integrity and the right to life. Following analysis and evaluation of the evi-

dence, the Commission will release a resolution according to the law corresponding to the area. With the aim of intensifying actions protecting migrants, the Commission will carry out regular visits to migratory shelters and stations in order to hear their testimonies and identify all matters that put them at risk.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_157.pdf

THE CNDH TO INCREASE EFFORTS WITH UN AND INEGI

CGCP/158/11

28th June 2011

The CNDH, the United Nations High Commissioner's Office for Human Rights in our country and the National Institute of Statistics and Geography presented the book *Indicators of the right to health in Mexico* which deals with indicators which offer an overview of the implementation of international commitments in health, through a process of monitoring and evaluating progress in the field of human rights.

This represents the first exercise of this nature on a global level and seeks to feed public policy to the benefit of Mexican society.

The right to the protection of health can only be achieved through the efforts and compliance with the obligations of all involved parties, mentioned Raúl Plascencia Villanueva, President of the CNDH.

He went on to mention that between January and May of 2011, the National Commission has received around 700

complaints against this sector, as a result of which, the Organism has undertaken the task of implementing programs and promoting training activities for the staff at various health institutions.



http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_158.pdf

THE GUARANTEEING OF SECURITY IN MIGRANT SHELTERS

CGCP/159/11

29th June 2011

The CNDH has discovered that various migrant shelters have received threats and had their security put at risk.

Among the shelters reported to have been attacked are "Hogar de la Misericordia", in Arriaga, Chiapas; "Casa de la Claridad" in San Luis Potosí; "Nazareth, Casa del Migrante" in Nuevo Laredo, Tamaulipas; "Casa del Peregrino Frontera

Digna" in Piedras Negras and repeatedly in "Casa Belén Posada del Migrante, Frontera con Justicia" in Saltillo, Coahuila.

As a consequence, the National Organism as protector and defender of human rights considers it fundamental to be able to guarantee adequate conditions that permit the effective defense of human rights in the country.

The continued work in the strengthening of the security

afforded to defenders, houses and accommodation offering food and secure shelter for the migrants passing through our country is considered a commitment for all.

The CNDH reiterates its complete support and commitment to the civil defenders of human rights who have suffered intimidation, threats and aggression.



http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_159.pdf



ESSENTIAL TO LISTEN TO VICTIMS

CGCP/160/11

30th June 2011

Raúl Plascencia Villanueva, President of the National Commission of Human Rights stated during his speech at the XXX National meeting of the Board of Public Security that it is the duty of public servants to make an effort in the combating of impunity and to ensure that victims of crime are properly heard.

He added that public institutions are in place to protect and serve society and prevent crime. He mentioned that in general, official figures fail to tally with those obtained by organizations defending human rights, as there are cases of victims who elect not to present themselves before the authorities and report the crime.

In addition, he stated that this discrepancy with the number held by the au-

thorities is the result of the opening of affidavits rather than the beginning of preliminary investigations.

The President of the CNDH signaled that it is necessary for public policy to be shaped around the reality that surrounds it, not just catering to official needs.

http://www.cndh.org.mx/comsoc/compre/2011/COM_2011_160.pdf

RECOMMENDATIONS

RECOMMENDATION 34/2011

MATTER: The Forced Disappearance, Torture and the Claiming of the Life of V1 and the Unlawful Deprivation of Liberty and Cruel Treatment of V2

AUTHORITY RESPONSIBLE: Marine Secretary, Governor of the state of Nuevo León and the Municipal President of Santa Catarina, Nuevo León

The National Commission of Human Rights has reviewed the evidence

and details presented by the case CNDH/2/2010/1553/Q, relating to the forced disappearance, torture and loss of life of V1 and the unlawful impediment to liberty and cruel treatment of V2.

In response, it was observed that on the 21st of March 2010 the municipal police of Santa Catarina, Nuevo León detained V1 and V2 for having supposedly carried out illicit activity. They were taken to installations

belonging to the Office of the General Prosecutor, in a convoy of the three official vehicles belonging to the Secretary of Public Security.

During the course of the journey, a confrontation occurred involving the use of firearms against the Public Security body and the Secretary, during which two guards were killed and V2 and SP1 left wounded.

<http://www.cndh.org.mx/recomen/2011/O34.pdf>

RECOMMENDATION 35/2011

MATTER: The Appeal of V1
AUTHORITY RESPONSIBLE: The Governor of the state of Guerrero

21st of June 2011

The National Commission of Human Rights has reviewed the elements contained in the file CNDH/1/2010/178/RI, relating to the appeal presented by V1, which in the terms provided by article 41 of the Law of the National Commission of Hu-

man Rights, accredited violation of the right to legality and legal security of V1. It must be noted that the then director of the Technical Secondary School No. 17 located in Apango, in the State of Guerrero stopped V1 from signing the attendance register of the aforementioned School. On the 24th of August 2009, the stated public servant then denied receipt of a document. AR1 the director of the Secondary School pro-

ceeded to inform V1 of their temporary suspension without warrant or administrative proceeding, due to an alleged administrative proceeding taken out upon them in the Internal Control Body of the Secretary of Education of the State of Guerrero. Upon finding out about this legal challenge and having assessed the case, the National Commission issues its Recommendation 35/2011.

<http://www.cndh.org.mx/recomen/2011/O35.pdf>

RECOMMENDATION 36/2011

MATTER: The actions committed in affront of V1, V2, V3, V4, V5, V6, V7 and V8, in the municipality of Soltepec, Puebla

AUTHORITY RESPONSIBLE:

The Secretary of Public Security, Commissioner of the National Institute of Migration
23rd of June 2011

The National Commission of Human Rights has reviewed the evidence and contents of the case CNDH/5/2010/3917/Q, relating to the events which occurred at approximately 16:30 hours on the 16th of July 2010. V1 was traveling aboard

a train in which there were also a number of Central American citizens present, amongst whom were V2, V3, V4, V5, V6, V7, V8 and T1. Upon arrival at the municipality of Soltepec, Puebla, the train was subject to a revision carried out by personnel of the INM (National Institute of Migration) and the Federal Police.

During the revision, AR2, AR3, AR4 and AR5 struggled with V1, taking his camera. Following this incident, public servants working for the National Institute of Migration deleted the recording

that had been taken during the journey.

The CNDH has warned that in the case of V1, it considers that the public servants of the National Institute of Migration violated their rights to freedom of expression, property, honor, integrity and personal safety, legality and legal security.

As a result, the National Commission has released the Recommendation 36/2011
<http://www.cndh.org.mx/recomen/2011/036-1.pdf>

RECOMMENDATION 37/2011

MATTER: The case of the Inadequate Medical Care received by V1 and V2, at the Zone 1 IMSS General Hospital, in the state of Zacatecas.

AUTHORITY RESPONSIBLE:

The General Director of the Mexican Institute of Social Security

24th of June 2011

The National Commission of Human Rights has examined the evidence presented by the file CNDH/1/2010/6505/Q, relating to the case of V1 and V2.

On the 18th of October 2010, V1 was assessed by their physician, who diagnosed them as having suffered a cardiographic silent stroke and fetal hypomotility and as a result was asked to attend as a matter of urgency the Zone 1 IMSS General Hospital in Zacatecas, Zacatecas in order to have a Cesarean performed upon them. The medical staff who received her, then transferred her to the Tocosurgery unit. Following this however, AR1 – a doctor working at the aforementioned hospital, neglected to properly assess and monitor her situation

through which they failed to recognize fetal distress in the patient V2, which ultimately resulted in asphyxiation and their death.

Further to this, due to the mismanagement and subsequent loss of the medical and clinical records of V1, it can be seen that the right to equality, the protection of health and the right to life held by both V1 and V2 were violated by AR1. As a result, the National Commission has issued the Recommendation 37/2011.
<http://www.cndh.org.mx/recomen/2011/037.pdf>

RECOMMENDATION 38/2011

MATTER: The Case of the loss of life of V1 and the cruel treatment of the child V2

AUTHORITY RESPONSIBLE:

The Secretary of National Defense

27th of June 2011

The National Commission of Human Rights has reviewed the evidence and details presented by the case

CNDH/2/2010/811/Q, relating to the events surrounding the loss of life of V1 and the cruel treatment of V2. by the Army members then pointed their guns at V1 and V2, before detaining and beating them.

Following this, the victims were taken in the vehicle to a football pitch around one kilometer from the aforementioned gas station, in the area known as La Antena, at which point the abuse continued, resulting

minutes later in the loss of life of V1. This National Commission has observed that the death of V1 was caused by a severe traumatic brain injury induced by the actions of the 50th Infantry Battalion of Chilpancingo, Guerrero, of the Secretary of National Defense.

<http://www.cndh.org.mx/recomen/2011/038.pdf>

RECOMMENDATION 39/2011

MATTER: The case of the Inadequate Medical Care at the IMSS Regional no. 110 General Hospital, in Guadalajara, Jalisco

AUTHORITY RESPONSIBLE: General Director of the Mexican Institute of Social Security

30th of June 2011

The National Commission of Human Rights has reviewed the evidence and contents of the case CNDH/1/2009/5837/Q, accrediting the violation of the rights to protection of health and that of an adequate quality of life, committed in affront of V1, attributable to AR1, a neurosurgeon working at the Regional No. 110 General

Hospital of the National Institute of Social Security, in Guadalajara, Jalisco.

Said surgeon, performed a Pallidotomy upon the patient with the aim of eliminating the shaking which had troubled the patient since 2000 having been diagnosed with Parkinsons. Following the surgery however, the patient began to manifest certain 'shaking' movements in the left side of their body which would force them to lose balance and fall on a number of occasions.

Then, later in 2009 AR1 informed Q1 - husband of the victim, that the pair ought to return to the aforementioned Regional

General Hospital in September of that year, in order to perform a further operation (Pallidotomy). The operation was performed on the 23rd of that month, the same year on the opposite side of the brain, which according to the person registering the complaint, following this second operation, caused the patient to lose their speech and be able to swallow their food.

As a consequence, Q1 presented their complaint to the CNDH National Organism, which having analyzed the evidence presented to them, issued the Recommendation 39/2011.

www.cndh.org.mx/recomen/2011/039.pdf

RECOMMENDATION 40/2011

MATTER: The case of the Forced Disappearance and Loss of Life of V1, along with the Cruel Treatment of V2 in the municipality of Peribán de Ramos, Michoacán

AUTHORITY RESPONSIBLE: Secretary of National Defense

30th of June 2011

The National Commission of Human Rights has reviewed the evidence and detail presented by the case CNDH/2/2009/3036/Q, relating to the events surrounding the forced disappearance and loss of the life of V1. At 17:00 and 18:00 hours on the 20th of June 2009, V1 went to the property known as Rancho 1, located in Los Reyes,

Michoacán, where V2 resided.

After a few minutes, various members of the military arrived, entering the house of V2 with the aim of interrogating V1 and V2 with respect to a car found parked outside the residence. V2 was locked in one of the rooms of the house where they were threatened and questioned in relation to V1.

This questioning lasted for an hour and a half before V2 was released, during which time V1 had been detained by the military personnel. Upon discovering the disappearance of V1, Q1 filed a complaint relating to these acts to the Attorney General of the state of Michoacán, later finding

on the 8th of July 2009 the lifeless body of a male at Rancho 2, in the municipality of Peribán de Ramos, Michoacán. The following day, that body was identified as being that of V1.

This National Commission has observed through these facts the violation of the human rights to life, liberty, integrity and personal security, as well as that of legal security, for events consisting of the forced disappearance and the taking of the life of V1, the arbitrary use of public force and the cruel treatment of V2. The National Commission released Recommendation 40/2011 as a result.

<http://www.cndh.org.mx/recomen/2011/040.pdf>

RECOMMENDATION 41/2011

MATTER: The case of Arbitrary Arrest and Illegal Detention of V1, V2, V3, V4 and V5 and the Torture Inflicted upon V3, V4 and V5

AUTHORITY RESPONSIBLE:

The Secretary of National Defense

30th of June 2011

The National Commission of Human Rights has reviewed the evidence and elements of the case CNDH/2/2009/2406/Q, along with corresponding files, which evidence the violation of human rights of V1, V2, V3, V4 and V5 which on the 25th and 29th of May respectively, were arrested by members of the Military Judicial Police, being arbitrarily detained in the 30th Military Zone of Villahermosa, Tabasco.

At that location, V3, V4 and V5 were physically assaulted and mentally and physically tortured. They were also forced to accept charges linking them with drug trafficking and threatened to make sure that they wouldn't speak up about the event.

They were later transported to a military prison (Military Camp 1-A of the Military Region 1, Federal District), under the pretense of their probable involvement in the committal of crime against health through their collaboration in which they in any way enabled the possible trafficking of narcotics.

Due to the fact that the Military neglected to inform those detained and/or their relatives

of the reason or motive of their arrest, this National Commission has acknowledged that those detained had their human rights to legal security, integrity and personal security and to humane treatment violated. These violations were the result of the arbitrary arrest and detention of V1, V2, V3, V4 and V5 at the 30th Military Zone, along with the torture of V3, V4 and V5. As a result, the National Commission has issued the Recommendation 41/2011.

<http://www.cndh.org.mx/recomen/2011/041.pdf>

RECOMMENDATION 42/2011

MATTER: The events which occurred in affront of V1 and V2 in the municipality of Anáhuac, Nuevo León

AUTHORITY RESPONSIBLE:

Secretary of National Defense

30th of June 2011

The National Commission of Human Rights has reviewed the elements and evidence presented in the case CNDH/2/2010/3078/Q, deriving from the complaint filed by Q1 with respect to events which occurred on the 3rd of March 2010 in affront of V1 and V2, in the municipality of Anáhuac, in the state of Nuevo León.

On that 3rd of March 2010 at around 12:15 and 12:30 hours at the crossroads of the streets Don Martín and Maza

de Juárez there arose a clash between elements of the Mexican Army and organized crime groups, through which elements SP1 and SP2 lost their lives along with civilians V1, V2 and two further unidentified casualties.

During this confrontation between the military elements and members of organized crime, V1 and V2 hid in their vehicle which was stationed at the scene. Once the firing had finished, these individuals descended their vehicle and approached the military personnel with their hands raised, asking for help.

The Military personnel only fired at them however, knocking them to the floor before performing the "coup de grace" and taking their lives. The Military then cordoned off the

zone, before taking the bodies and placing firearms in their hands.

The CNDH considers this a violation of the human rights to life, legality and legal security, humane treatment, arbitrary use of public force, access to justice and honor as a result of acts consisting of the claiming of life, arbitrary use of public force and abuse of authority.

The National Commission has released the Recommendation 42/2011 as a result.

<http://www.cndh.org.mx/recomen/2011/042.pdf>

RECOMMENDATION 43/2011

MATTER: The case of the Forced Disappearance of V1, V2 and V3 at the ejido Benito Juárez, municipality of Buenaventura, Chihuahua

AUTHORITY RESPONSIBLE: Secretary of National Defense, Secretary of Public Security, Governor of the State of Chihuahua

30th of June 2011

The National Commission of Human Rights has reviewed the elements and evidence contained in the case CNDH/2/2010/108/Q, in relation to the complaint filed by Q1 against the events which occurred against their brother V1 and their cousins V2 and V3 at the ejido Benito Juárez in the municipality of Buenaventura, Chihuahua.

he events took place on the 29th of December 2009, where V1 and V2 were aboard Vehicle 1 when they were stopped by a group of military personnel who took them to an unknown location.

On another part of the same ejido, just minutes after the detention of V1 and V2, V3 was detained by a group of military personnel, who forced entry in to their residence, shutting in to the bathroom T5, T3 and T4 (brothers of V3) of 13 and 11 years old respectively. V3 was then also taken to an unknown location.

Following these events, Q1 followed the convoy transporting those detained by an opening leading to Flores Magón, Chihuahua. Just meters before the town of Benito Juárez however, Q1 lost sight of said convoy.

Q1 then proceeded to look for his relations in different police stations across the region, without being able to find them.

Later they discovered that the victims were being detained at the base of the 35th Infantry Battalion of Nuevo Casas Grandes.

Q1 then filed a complaint due to the illegal arrest and detention carried out by personnel of the Mexican Armed Forces, who violated human rights to legality and legal security, liberty, physical integrity and personal security, access to justice and a fair trial, brought about by the act of arbitrary detention and forced disappearance. The National Commission has released Recommendation 43/2011 as a result.

<http://www.cndh.org.mx/recomen/2011/043.pdf>

RECOMMENDATION 44/2011

MATTER: The case of the Torture of V1

AUTHORITY RESPONSIBLE:

Governor of the State of Guanajuato, Municipal President of Salamanca, Guanajuato

30th of June 2011

The National Commission of Human Rights has reviewed the elements and evidence contained within the complaint file CNDH/3/2010/1757/Q, relating to the case of V1, a former inmate of the State Center for Social Rehabilitation of Salamanca, Guanajuato.

On the 26th of February 2010, the aforementioned individual was detained by elements of the Municipal Police of Salamanca and was then taken to installations of the Public Security Bureau belonging to this particular council, being presented before AR1 in connection with a robbery.

There, they were interviewed

by ministerial police, before being taken by “2 Federal Policemen” in a van to some offices, where one of these agents placed a pistol to the head of V1, informing them that they would have to sign a document linking them to the stealing of a truck if they wanted to save their wife's life.

V1 went on to be hit on the arms, shoulders and head with a “stick”. Under logical legal analysis of the evidence presented by this file, the CNDH has recognized grave violation of V1's human rights, specifically those of integrity and personal security, as well as humane treatment. This National Commission has issued the Recommendation 44/2011 as a result.

<http://www.cndh.org.mx/recomen/2011/044.pdf>

The aim of the Court is to guarantee adherence to the European Convention of Human Rights – a resonant declaration of rights and liberties which was formed in 1945 and written in large part by the British lawyer, Oscar Dowson

Article of the month

The European Court of Human Rights

Timothy Garton Ash

The Daily Mail, a British newspaper of extensive circulation and great influence, has just found a new European dragon to fight. “The Eurojudges”, who “trample upon the sovereignty of the UK and insist: You must allow prisoners to vote”. “The murderers and rapists go to the European Court of Human Rights to obtain all the guarantees of the State”, the writer complains, referring to the news of an appeal presented to the Strasbourg Court.

In their relief, this irate United Kingdom has condemned Conservative Prime Minister David Cameron, for not fulfilling promises he made (as opposition), when he informed that he “vowed.....to do something about the problem of human right law in the European Courts, which poke

fun at the British justice system.”

The Strasbourg organization is the only place to turn to when your rights have been trampled upon.

Of all the targets that a euro-skeptic body could choose, this is one of the strangest.

The Strasbourg Court has nothing to do with the European Union and the bureaucrats of Brussels – which is in general what the British attack with their diatribes on “Europe”.

It is part of the European Council, whose creation was aided in no small part by Winston Churchill, which is a totally inter-governmental organization, made up by 47 member states (only Belarus plays no part).

The aim of the Court is to guarantee adherence to the European Convention of Human Rights – a resonant declaration

of rights and liberties which was formed in 1945 and written in large part by the British lawyer, Oscar Dowson.

The Strasbourg Court is the only place where any individual residing within any one of the 47 member states can go – from Portugal to Russia and from Norway to Turkey, if they feel that they have had their rights abused and can't claim due compensation in their country of residence.

http://www.elpais.com/articulo/opinion/Tribunal/Europeo/Derechos/Humanos/el-pepuopi/20110611elpepiopi_4/Tes

Book of the month

DUE PROCESS IN INTERNATIONAL LAW AND THE INTER-AMERICAN SYSTEM

(EL DEBIDO PROCESO EN EL DERECHO INTERNACIONAL Y EN EL SISTEMA INTERAMERICANO)

Quispe Remón, Florabel,
(auth.)

Librería Tirant lo Blanch, S.L.

1st ed., 1st imp. (01/2010)

652 pages; 22x15 cm

Language: Spanish

ISBN: 8498766869

ISBN-13: 9788498766868

Binding: Paperback

Collection: Tirant monografías,
680

This book addresses the origin and development of the due process in international law, particularly within the American system.

It examines how it has transcended the boundaries of national systems, belonging to common law and civil law, to position itself as a human right, and from there, analyze if it can be considered as a norm of jus cogens - that is, as an imperative norm of international law.

This is an original work as it treats its study of due process in a systematic and organic way, from an international perspective.

Through its pages, the reader will find the necessary tools to learn and deepen the study of one of the most important rights for a just and civilized coexistence.

<http://www.agapea.com/libros/El-debido-proceso-en-el-derecho-internacional-y-en-el-sistema-interamericano-isbn-8498766869-i.htm>



Newsletter

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