



Comisión Nacional de los
Derechos Humanos
MEXICO

Newsletter

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The voice of the President

Remarks by Dr. Raul Plascencia Villanueva, president of the National Human Rights Commission at the opening of the campaign "UNiTE for Human Rights to End Violence against Women in México"

Ladies and Gentlemen:
Today is a very significant day for the National Human Rights Commission. Achieving equality between women and men, and eliminate gender violence, are issues that require priority attention.

I therefore wish to announce that we join with enthusiasm to the Global Campaign "UNiTE to End Violence against Women", that Mr. Ban Ki-moon, General Secretary of the United Nations, launched in year 2008.

To the National Human Rights Commission is a pleasure to participate in this effort and will bring all his experience and ability to achieve this global campaign that meets the objectives it has set.



"UNiTE for Human Rights to End Violence Against Women in México" campaign began today with this forum, frames a set of national strategies to prevent and eliminate this shameful flagellum of our society.

Emotional abuse,

intimidation, rape, women and girls trafficking, forced prostitution, sexual slavery and forced pregnancy; femicide, violence for dowry, female infanticide and prenatal sex selection fetus for baby boys, are some of the many practices that nullify their dignity.

Undoubtedly there on the world very encouraging demonstrations incentivized by the decisive action of multiple organizations. We can say with satisfaction that currently two thirds of the world's countries have passed laws to combat violence against women.

<http://www.cndh.org.mx/Discursos>

Event of the month

Ceremony of Accession of the CNDH to the Global Campaign "UNiTE to End Violence against Women"





JOINT EFFORT TO PROMOTE CULTURE OF INCLUSION

CGCP/231/12

September 1st, 2012

For the CNDH is essential to promote a culture of respect, decent treatment, equality and inclusion for people with disabilities.

It must redouble efforts to ensure that all sectors of society to generate conditions needed to ensure that people with disabilities enjoy their rights fully and on equal terms.

Concepts that were

expressed during the Forum "For inclusion of Persons with Disabilities", organized by the CNDH in Atlixco, Puebla, on August 28, with support of Municipal Presidency and Puebla's State Human Rights Commission, attended by over 600 people.

He stressed the responsibility of the CNDH and state human rights commissions in promotion, protection and monitoring of implementation of Convention on the Rights of Persons with Disabilities entered

into force in Mexico since May 3, 2008.

Thus, this Autonomous National Organism ratifies its commitment to work with purpose of getting to our country removal of physical and intellectual barriers that have slowed development that are entitled all Mexicans without any discrimination.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_231.pdf

EX OFFICIO INVESTIGATION REGARDING ARCHEOLOGICAL REMAINS ABANDONMENT

CGCP/232/12

September 2nd, 2012

The National Human Rights Commission initiated ex officio, an investigation by archeological remains abandonment in Cuautitlán de Romero Rubio municipality in State of Mexico.

For the CNDH is worrisome that archaeological, cultural heritage of all, remain without authorities protection and necessary

safeguarding, resulting in overall damage and access limits to knowledge about the way of life and development of our ancestors.

On the importance of the issue, the National Commission personnel visited the place where archeological remains are, to verify situation of abandonment and vulnerability in which the National Anthropology and History Institute and the municipality of Cuautitlán

de Romero Rubio have the mentioned vestiges.

The CNDH will punctually follow up the events, in order to exercise its legal authority and ensure full respect and promotion of cultural rights and, after exhausting research, will determine to proceed the issue according to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_232.pdf

LACK OF REGULATION, OBSTACLE TO OPERATE THE LAW OF MIGRATION; CNDH

CGCP/233/12

September 3rd, 2012

The National Human Rights Commission calls on for an establishment efficient and transparent procedure, involving all society organizations, in order to be issued the Migration Law Regulation.

The National Ombudsman recalled that on November 21, 2011 was deadline for the publication of regulation, according to what is stated in the third transitory article of decree of the Migration Law.

The absence of such an arrangement hinders the full force of the Migration Law, as several of its provisions take effect until the Regulation is in effect.

The CNDH notes that the Regulation should set deadlines, requirements and criteria that are necessary to the conduct of proceedings and resolutions regulating the migration procedure, in order to give legal certainty to migrants.

In addition, Regulation of the Migration Law must establish the instruments and necessary mechanisms to ensure the effective im-

plementation of the law, and the protection of the rights of migrants in our country.

The National Organism considers it essential that the country may have adequate regulation at times requiring migration.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_233.pdf

TRANSFORMATION THROUGH THE KNOWLEDGE OF HUMAN RIGHTS

CGCP/234/12

September 4th, 2012

Promote knowledge; training and dissemination of human rights generate a transformation not only in the actions of the authorities, but on the social peace and stability of our country, said Raul Plascencia Villanueva, president of the CNDH.

During the signing of four cooperation agreements between the CNDH and the Navy Secretariat (SEMARNAT), the National

Ombudsman noted that state institutions are holding the highest responsibility of consolidating the new constitutional model in force since June 11, 2011.

A model that is based on respect for human rights of all people and the commitment is to have full effect.

Before Admiral Mariano Francisco Saynez, SEMAR holder, who signed the agreements, Plascencia Villanueva said that only in this way can transition to a democratic rule of law in which freedom, justice

and equality a reality.

The four legal instruments signed implement the organization of two Diplomats, one of Education and Human Rights and other Constitutional Reform June 10, 2011, in addition to various courses in education and human rights, public safety, law enforcement and victims of crime.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_234.pdf

PUBLIC POLICIES ALIGNED WITH SOCIAL COMPLAINTS: RPV

CGCP/235/12

September 5th, 2012

For the national Ombudsman, Raúl Plascencia Villanueva, Mexican state institutions have a huge challenge in generate accurate information, using technology and informatics resources to process and disseminate it.

The success achieved by this work, he said, will contribute

to formation of a more informed, critical and participatory, to improve social, economic and political development, said during signing of Cooperation Agreement between the National Commission for Human Rights and the National Institute of Statistics and Geography (INEGI), and held that public policies must be fully aligned with social complaints and to do so must have hard data and clear reality.

The agreement will allow joint action to develop statistical and geographical information in accordance with purposes of the CNDH protection, enforcement, promotion, study and divulgation of human rights that protects the Mexican legal system.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_235.pdf



THE CNDH CARRIES OUT TRAINING BRIGADES IN THE TARAHUMARA

CGCP/236/12

September 5th, 2012

The CNDH through the Program for Promotion and Diffusion of Human Rights and Indigenous Peoples provides necessary support to provide workshops, forums and talks, with aim of safeguarding culture, traditions and use of indigenous languages, to avoid exclusion or discrimination of development that should provide Mexican State.

This week, the National Com-

mission initiated a fieldwork brigade addressed to Sierra Tarahumara indigenous people, to bring guidance in order to let them know how to exercised their human rights.

It will be distributed among more than 20 highland communities three thousand 500 copies indigenous peoples on human rights of and communities, not only in Spanish but also in Tarahumara language.

Attached visitors will visit Baquiriachi attachments, Guazarachi, Batopilas, Mesa

Yerbabuena, Yoquivo, Samachique, Santa Anita, Arboreachi, Caborachi, Samachique Chogueta, San Ignacio de Arareco, Creel, Bocoyna, Sisoguichi, Panalachi, Sojahuachi, Talayotes, San Juanito and Cuauhtémoc, Chihuahua .

The CNDH advances on the route to encourage more development opportunities for indigenous peoples and communities and in the protection and defense of human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_236.pdf

PROMOTE ACTIONS FOR MIGRANT WOMEN**CGCP/237/12***September 5th, 2012*

To the CNDH is fundamental actions and programs coordination between authorities, society and international organizations to promote human rights respect of migrants, especially for women going through national territory seeking for better living conditions.

During opening ceremony of portal's re-launch "Migrant Women," Fernando Batista Jiménez, Fifth General Visitor

of the CNDH, said that technology constitutes a tool to offer to migrant population, information about their rights and possibility of mitigate risks during their journey, and facilitate medical care and management procedures.

Has noted that international legal instruments signed by México and Migration Law that incorporates a gender perspective in matter, remarked however, is pending publication its Procedure Regulations, whose issuance limit expired November 21, 2011.

The website www.muajermigrante.mx is a digital tool for the migrant population, which has among other objectives, disseminates government support programs, such as Paisano Program, the 3x1 Program as well as other temporary of employment and investment

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_237.pdf

AGGRESSION TO TELEVISA JOURNALISTS IS INVESTIGATED**CGCP/238/12***September 6th, 2012*

The CNDH initiated ex officio investigation on human rights matter for aggression suffered by two Televisa News workers in México City.

It's all about a cameraman and a motorcyclist, those who on Wednesday September 5 came to cover information about a confrontation between students of Colegio de Bachilleres number 4, in housing unit area CTM Culhuacán, Coyoacán Del-

egation, where they were attacked with blows and even one of the aggressors with gun pinpoint the communicators, who requested help of preventive police present there, without these lend them aid.

Each aggression to journalists' guild is an attack on the effective State of law, therefore must be demanded to Mexican government that grievances to journalists not go unpunished and to ensure, at all times, protection of life and personal integrity of media workers.

The National Commission reaffirms its commitment to defense of their rights and upon completion of the investigations, determines what appropriate according to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_238.pdf

THE CNDH PRESIDENT MEETS WITH CNPA**CGCP/239/12***September 7th, 2012*

The President of the National Human Rights Commission, Raúl Plascencia Villanueva, met on August 31, 2011, with members of the National Plan de Ayala National Movement (CNPA), in order to let them know compliance status with recommendation 64/2011, issued on November 22 last year, in relation to illegal detention case of one of its members.

The National Ombudsman reported that Chiapas State Government has not complied fully with the statement issued by this National Commission and that, consequently, will require to holder of government of aforementioned federative entity that recommendation be fulfilled in all its terms.

Therefore, the CNDH calls upon all public servants of the Mexican State, especially those state government of Chiapas, that pursuant with the provisions of Article 1, third paragraph,

to comply with the obligation to promote, ensure respect and protect human rights, repairing damage caused to victims and to privilege, at all times, dialogue with CNPA members.

The CNDH will continue pending compliance with the recommendation 64/2011.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_239.pdf

CNDH RECOMMENDATION TO FEDERAL POLICE FOR TWO PEOPLE LIFE'S DEPRIVATION

CGCP/240/12

September 7th, 2012

The National Human Rights Commission issued Recommendation 42/2012, addressed to Federal Public Security Secretariat Head in case of excessive use of force perpetrated against five people, one of which was a minor.

This is an ex officio investigation, from which it emerged that in June 2011, victims were traveling in a truck on a road

in the municipality of Cárdenas, Tabasco.

The driver ran a stop sign, so that Municipal Police elements of place initiated a pursuit, which joined moments later federal police officers who were present.

The federal police officers, who were placed behind the truck and fired their guns against victims' vehicle given as a result two of them wounded, who eventually died at scene. The victims were not carrying firearms.

The CNDH counted with elements that prove human rights violations to life, integrity, legality, legal certainty and security of person, to the victims' detriment. Recommendation 42/2012 can be found on CNDH website www.cndh.org.mx

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_240.pdf

CONSOLIDATE EDUCATION FOR A FAIRER COUNTRY

CGCP/241/12

September 8th, 2012

The CNDH believes that education is a fundamental tool to consolidate a fairer country, in prevailing tolerance, peaceful coexistence and respect for human rights.

According to United Nations Educational, Scientific and Cultural Organization (UNESCO), literacy is a fundamental human right and is foundation of learning throughout life.

It recognizes its ability to transform people lives and their importance for human and social development.

Official statistics show that in our country there are more than five million people who cannot read or write, and are elderly and indigenous people most affected by this situation.

To commemorate International Literacy Day, argues that CNDH is essential to guarantee right to education as required by third article of the Political

Constitution and it is necessary to develop skills to read and write as a way to help overcome rates of poverty, marginalization and discrimination in which some people live in México.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_241.pdf

SECRETARIAT OF PUBLIC SAFETY REFUSES TO ACCEPT PRECAUTIONARY MEASURES

CGCP/242/12

September 9th, 2012

The CNDH received refusal of acceptance by Secretariat of Public Security of measures requested, which shall be stated in determination that will issue by the National Organism after completing the investigations to give effect to required responsibilities.

The refusal of acceptance of precautionary measures shows a repeated lack of commitment from the Secretariat

of Public Security to human rights and a breach of Article 1, third paragraph establishes the constitutional obligation of all authorities in the field of its powers, to promote, respect, protect and fulfill human rights.

It is noteworthy that the CNDH -initiated a complaint file to investigate facts concerning revisions to passengers and users of various Mexican Republic airports effected by Federal Police public servants, without authority to do so.

Therefore, the National Com-

mission reiterates its commitment to respecting and protecting users and passengers at airports across the country and condemns behaviors that deviate from the principles governing the public service and the culture of legality.

Also appeals to users whose rights are violated by Federal Police, to approach the CNDH and formulate their complaints by dialing (55) 56 81 81 25 01800715 2000 or email correo@cndh.org.mx.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_242.pdf

SSP REFUSES TO ACCEPT OTHER CNDH RECOMMENDATION REGARDING JETHRO CASE

CGCP/243/12

September 12th, 2012



The Public Security Ministry did not accept Recommendation 38/2012 that the National Human Rights Commission, addressed together with Ministry of Defense, due to arbitrary detention of two young people and forced disappearance and deprivation of life to one of them.

The CNDH noted that Federal Police elements, while detainees were handed over to SEDENA and that took them arbitrarily, committing a number of irregularities, mainly in omitting to dispatching them, immediately at disposal to the corresponding Public Ministry Agent as stated in Article 16 of the Constitution, lacking with it, duty of care which caused them to suffer another type of grievances.

Therefore, the National Commission reiterates its concern that some public servants of our country, meet in law violations the way to develop their activities without being punished according to law and to crime victims' detriment and power abuse.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_243.pdf

MORE THAN TWO YEARS OF TRIAL DELAY IN LABOR PROCESSING

CGCP/244/12

September 12th, 2012

The National Human Rights Commission opened Recommendation 43/2012, addressed to the President of Federal Board of Conciliation and Arbitration (JFCA). It is the first recommendation derived from a conducted investigation by newly established Sixth General Visitorship, after Constitutional reform in

human rights that gave powers to the CNDH to know about labour matters, among others. This is an unjustified delay in trial's labour proceedings in which officials from cited authority in Hermosillo, Sonora, delayed the presentation of evidence in open court, two years and seven months after the lawsuit was filed. After investigating, this National Autonomous Organism determined that actions

taken were in flagrant disregard of Federal Labor Law and constitute rights violations to legality and legal certainty and access to justice detrimental to plaintiff. Recommendation 43/2012 can be found on CNDH website www.cndh.org.mx

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_244.pdf

FEMALE INMATES WITHOUT ADEQUATE CONDITIONS

CGCP/245/12

September 13th, 2012

The National Human Rights Commission considers that Mexican Penitentiary System discriminates women in detention, as it lacks of specialized areas for them and most of their sentence in purge in mixed prisons.

This national body called upon authorities to remedy this omission because female residents are not taken into account in actions, programs, planning tasks, use of space and attention.

This year was reformed Minimum Standards Law, in which its Article 11 states that women prisoners' children in case they are born within institution will receive initial and preschool education until age of six years; this reform presupposes that children remain with their mothers, in properly designed or adapted facilities for this purpose; with qualified medical staff, social workers and day care operation or CENDIS inside prisons where they are internal.

The CNDH argues that reinsertion of sentenced

persons to society, as required by the Constitution of the United States of México, can only be done based on respect for human rights, job training, education, health and sport; it requires investment and above all, political will to achieve this constitutional aspiration.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_245.pdf

REPORT TO PREVENT HUMAN TRAFFICKING

CGCP/246/12

September 14th, 2012

The CNDH considers necessary to strengthen information campaigns to prevent human trafficking. It is necessary for society to know methods used by criminal organizations to contact their victims and foster culture of complaint.

It should be alerted about existence of simulated jobs, generous payroll, dating relationships or marriage fictitious promises, by which, in many

cases, people are hooked for labor or sexual exploitation purposes.

Notice that, under threats or attacks, millions of people are forced to do hard labor in sectors such as agriculture, domestic service, construction and manufacturing.

This National Organism has installed 13 autonomous national Regional Committees Against Human Trafficking, with aim of contributing to protection and assistance to victims and ensure compliance

with law by public servants. It is essential to continue with the public servants training, especially those responsible for prosecuting crime, not only to punish perpetrators, but also to provide adequate protection to victims and full respect for their human rights.

<http://www.cndh.org.mx/sites/all/fuentes/documentos/>

CNDH REQUESTS FOR PROTECTION TO DEPUTY IN CHIAPAS

CGCP/247/12

September 15th, 2012

The National Human Rights Commission requested to Chiapas State Government, the application for protection precautionary measures in favor of independent deputy Enoch Hernández Cruz.

In a letter, legislator asked the CNDH urgent intervention to request Chiapas authorities to provide security measures for himself, his family

and property. In the missive he stated that before death threats and intimidation acts that have undergone fellow deputies which have founded fear, reports that these events have taken place shortly after he and other legislators have taken up position on certain initiatives of Executive State Power.

The request for precautionary measures is founded on the National Human Rights Commission Law provisions, as well as in its Internal Procedures.

This is to ensure legislator's safety and physical integrity and prevent consummation of acts of difficult or impossible to repair. This autonomous national organism self-remain attentive to events evolution and eventually will release resolution under applicable law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_247.pdf

ERADICATE OLDER PERSONS ABUSE

CGCP/248/12

September 16th, 2012

The National Commission of Human Rights considered necessary to eradicate all forms of abuse and discrimination faced by older persons.

In México, there are over 10.1 million people over 60 years who often suffer emotional violence, physical and economic by their family or by those responsible for their care and maintenance.

From January to July this year,

the National Commission has addressed and investigated 412 complaints of alleged violations of their fundamental rights.

Most have to do with the provision of public service undue, omissions in care in public health institutions, impede or deny social security benefits, negligence and deficiencies in the supply of drugs.

It is estimated that by 2040, one in four Mexicans have more than 60 years, so it is urgent to implement a life plan that would achieve adequate

aging in the full enjoyment of their fundamental rights.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_248.pdf

WIDE PERSPECTIVE TO ENSURE REFUGEES RIGHTS

CGCP/249/12

September 17th, 2012

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, received the representative in México of the United Nations High Commissioner for Refugees (UNHCR), Hamdi Bukhari, who formalized updated General Cooperation Agreement between the two organizations.

The National Ombudsman held renewal of Agreement, originally signed in August 2010, is an important endorsement of commitment of both institutions in favor of rights protection of refugees and asylum applicants.

Meanwhile Hamdi Bukhari, reiterated México's commitment to help refugees; proposed society becomes aware and acknowledge these people situation.

He highlighted 30 years of UNHCR presence in México and said he scheduled to perform with the CNDH, various activities to raise awareness of refugees' presence and ensure protection of their human rights. He commented on extent to which it will be easier to join efforts to fulfill rights of those seeking refuge or asylum.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_249.pdf

INTENSIFY EFFORTS FOR ERADICATING VIOLENCE AGAINST WOMEN

CGCP/250/12

September 18th, 2012

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, called upon authorities of Mexican state and society as a whole to intensify efforts in order to prevent and eradicate various forms of violence committed against women.

By leading the ceremony of accession of the CNDH to the Global Campaign "Unite to End Violence Against Women" initiated by General Secretary

of United Nations, Ban Ki-moon, the national Ombudsman commented that prevention is the best bet to combat such attitudes and cultural patterns that remain embroiled in some sectors of society.

Among other activities, he said, will develop a Unique Statistical Register Complaints on violence against women matter, which be used to design better public policies and provide specialized courses to end violence.

At ceremony were Sen. Ernesto Cordero

Arroyo, President of the Board of the Senate, the deputy Aleida Alavez Ruiz, vice president of the board of the Chamber of Deputies; Marcia de Castro, Resident Coordinator of the United Nations System in México, and Ana Güzemes, Regional director of the UN "Women for México".

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_250.pdf

EX OFFICIO RESEARCH BY GAS EXPLOSION IN BURGOS BASIN

CGCP/251/12

September 19th, 2012

The National Ombudsman, Raúl Plascencia Villanueva, agreed that the CNDH officially initiate complaint to investigate the explosion of several gas fields, which occurred on 18 September, in the Burgos Basin in the state of Tamaulipas, caused as a result of the works facilities maintenance of the company Petróleos Mexicanos (PEMEX).

For the National Commission is worrying integrity of public workers, and all other victims resulting from the facts, also the environmental damage it has caused.

Therefore, the Organization personnel autonomous national, came to the scene of incident to ensure that the public office, in conjunction with federal, state or municipal authorities, attend to the damages generated by that explo-

sion, observe and monitor the tasks of the authorities of Tamaulipas state to identify the total number of victims in these events.

The CNDH will follow up punctual to events, and in due course will issue a determination to proceed according to law.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_251.pdf



PERSONS WITH DISABILITY DISCRIMINATION AND CONSTANT EXCLUSION VICTIMS

CGCP/252/12

September 19th, 2012

The CNDH president Raul Plascencia Villanueva warned of vulnerability in people living with disabilities, who continue to suffer constant discrimination and exclusion.

Before researchers and Mexican and United States authorities, Plascencia Villanueva said that society and government must create necessary conditions to eliminate any type of exclusion.

During the "I Binational Forum on Persons with Disabilities Right", the national Ombudsman highlighted the fact that despite progress achieved in international regulation, in national legislation and in implementation of public policies, are still victims of discrimination.

Therefore he called upon authorities of Mexican state to accelerate creation of more inclusive policies for people with disabilities, and to strengthen campaign

that few months ago the CNDH summoned in order to be included in public service workforce at municipal, state and federal levels.

Today, he pointed out, is very important to have an awareness that disability is not a welfare issue or of health care, but of human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_252.pdf

CITIZEN MOVEMENT IN DEFENSE OF WATER TO COME TO CNDH

CGCP/253/12

September 20th, 2012

Members of Citizens Movement in Defense of Water of Sonora, attended to National Human Rights Commission to know about progress in fulfillment of Recommendation 37/2012, concerning case of "Aqueduct Independence", on part of Environment and Natural Resources Secretariat and government of that state.

The victims were assisted by First Inspector General, who informed them about progress.

The representatives of Citizens Movement in turn, it expressed that aqueduct construction sites continue to develop even though there is an injunction ordering its suspension, and expressed concern about number of harassments and acts of intimidation that are suffering, it seems, by state government public servants of Sonora.

Thus, the National Commission, on the scope of their authority, will initiate a new complaint by stated facts and will require from considered responsible authorities, reports and lawful

measures corresponding safeguarding integrity and victims' rights. It calls upon Sonora state government to ensure Recommendation's full implementation 37/2012, which will punctually follow up.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_253.pdf

CLEAR LEGAL FRAMEWORK AGAINST TORTURE

CGCP/254/12

September 20th, 2012

The CNDH president Raul Plascencia Villanueva assured that mechanisms of prevention and eradication of torture requires a clear and precise legal framework, to provide society sufficient information to act, condemn authorities and make justice imparted timely.

During a working tour in Chihuahua, Plascencia Villanueva signed with Governor César Duarte Jáquez, Law Agree-

ment to publish in Official Gazette of State, decrees that give management and budgetary autonomy, legal personality and its own assets to State Human Rights Commission and Law on Prevention, Punishment and Eradication of Torture in Chihuahua State.

The National Ombudsman assured that these reforms represent a major breakthrough as this enables state legislation in international standards on subject and gives an example of how to put a stop to cruel treatment,

to torture and impunity in such cases.

Also, Plascencia Villanueva presented keynote address "Constitutional Reform and Human Rights, Citizens Rights and Duties".

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_254.pdf

IMPLEMENTATION OF INTERNATIONAL STANDARDS IN HUMAN RIGHTS MATTERS

CGCP/255/12

September 21st, 2012

The President of the CNDH, Raúl Plascencia Villanueva, stated that recognition of principles of universality, indivisibility, interdependency and progressivity in Political Constitution of United States of México is one of most important aspects of constitutional reform on Human Rights matter since the month of June 2011.

During the Latin American Discussion session, organized in coordination with the General Iberoamericana Secretariat

and Matías Romero Institute, the National Ombudsman described this reform, which has qualified as the most significant in the area since promulgation of our Constitution as a fundamental tool to strengthen Culture of Legality in México.

At the event were: head of European Union Delegation in México, Mrs. Marie Anne Coninx, Ambassador of Germany, Mr. Edmund Duckwitz, Ambassador of Norway, Mr. Arne Aasheim, Ambassador of the Dominican Republic, Mr. Fernando Antonio Pérez Memén, and Representative in México of the

United Nations High Commissioner for Refugees, Mr. Hamdi Bukhari.

Also was attended by diplomatic representatives of United States, United Kingdom, Italy, Spain and Argentina, as well as distinguished internationalist.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_255.pdf

PROMOTING HUMAN RIGHTS OF INDIGENOUS WOMEN

CGCP/256/12

September 22nd, 2012

The National Human Rights Commission recognizes that mexican indigenous population is one of most vulnerable groups.

The CNDH assumes special concern for women of these communities since by their gender; ethnicity and poverty are at great disadvantage in respect to rest of the population, which becomes a major obstacle for social and economic development.

For example, although Article 2 of Constitution

of United States of México specifically states that it should be "Encourage indigenous women involvement to development", in 2011 only 10 federative entities had incorporated this mandate in their constitutions.

This National Autonomous Organism is also monitoring of human rights violations being committed against indigenous peoples in vulnerable situations.

From January to August this year, 316 violations were handled, most common reasons were: lack

of legality, honesty, loyalty, fairness and effectiveness in carrying out tasks, jobs, positions, or commissions; improperly paid public service; arbitrary detention, and acts and omissions that violate indigenous people rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_256.pdf

ENSURE THE RIGHT TO HEALTH

CGCP/257/12

September 23rd, 2012

The CNDH considers it necessary to guarantee right to health protection, because on it depends enjoyment of other fundamental rights under the Constitution of United States of Mexico.

Between January 2011 and July 2012, the National Commission has investigated 3.208 complaints for violations to this right in various governmental institutions, of which 1.159 were received this year.

There were 564 complaints against IMSS and 251 against Detached Administrative Prevention and Social Rehabilitation Organ of the SSP, 222 complaints against the ISSSTE; 27 against Federal Center for Social Rehabilitation of Villa Aldama, Veracruz and 25 against the INM.

The majority about irregularities in medical care granting, negligence, drugs provision omissions and deficiencies in performance of certain procedures. In addition to cases in which obstructed or denied social security benefits, anomalies were detected in medical

or psychological emergency granting and omissions to provide hospitalization to patients.

During this period, the Commission has issued 14 recommendations in cases where it was found inadequate medical care, improper handling of medical records and affectations to rights to life and health protection.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_257.pdf

NEW MODEL OF PUBLIC SERVICE AND ACCOUNTABILITY SYSTEM

CGCP/258/12

September 25th, 2012

The president of the National Human Rights Commission, Raúl Plascencia Villanueva, stated that Mexicans are going through a historic moment that requires all our capacity and commitment to move towards a new model of public service vision.

As he led General Cooperation Agreement signing between CNDH and Human Rights State Commission of Tlaxcala and the executive, legislative

and judicial branches of the entity, said that it is desire to fulfill that public officials to provide service to society, and in no way serve them self from institutions.

Previously, Raúl Plascencia Villanueva participated in forum "Human Rights Situation of Indigenous Peoples", in which pointed d out that "government and society must walk together to try to pay off debts that are still pending in the matter."

Also, developed two panel discussions: "The Human Rights of Indigenous Peoples: Achievements and Perspectives" and "Integral Public Policies in Collaboration with Human Rights Organizations for Indigenous Peoples Development."



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_258.pdf

ALEPH JIMÉNEZ DOMÍNGUEZ, INTERPOSES COMPLAINT

CGCP/259/12

September 25th, 2012

Aleph Jiménez Domínguez filed a complaint tonight with the National Human Rights Commission.

The victim, who serves as spokesman for Movement #YoSoy132 in Ensenada, Baja California, had been reported missing since last September 20.

He traveled to México City to denounce alleged human rights violations.

Complainant and ten of his companions were assisted by the Fifth General Visitor of CNDH, Fernando Batista Jiménez and several assistant visitors of this autonomous national organism, who listened to the young man and provided legal advice, he was also checked by medical experts from institution.

The complaint is in process of investigation and once that integrates case and after analysis and assessment of evidence that determination will be is-

sued in accordance with applicable law.

The CNDH repudiates all acts of intimidation committed to detriment of any human rights' defender, since it involves an attack on the country's democratic life and State of Law.



http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_259.pdf

URGENT ACTIONS TO HALT ENVIRONMENTAL DETERIORATION

CGCP/260/12

September 26th, 2012

The CNDH president Raul Plascencia Villanueva, considers it necessary to dimension severe and complex environmental degradation, to act accordingly and take urgent action and of long range involving us all, during his participation at the seminar's inauguration entitled "The Human Rights and Environmental Access to Justice: None Jurisdictional Mechanisms Civic Media Participation", organized by this National Organism and the Com-

mission for American Environmental Cooperation (CCA).

He maintained that environment preservation is a basic budget to enjoy and exercise other rights and must assume responsibility, in this matter, we have with future generations. He respectfully called upon Mexican government to ratify Optional Protocol to International Covenant on Economic, Social and Cultural Rights, in order to implement individual complaints mechanism.

He also led signing of a

cooperation agreement between the CNDH and the CCA for purpose to carrying out various joint actions to promote culture of legality and respect for human rights and environment.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_260.pdf



EQUAL OPPORTUNITIES FOR WOMEN

CGCP/261/12

September 27th, 2012

The National Human Rights Commission considers it necessary to change cultural and educational patterns that encourage discrimination against women.

To this National Autonomous Organism is important to work in consolidation of a society that privileges equal opportunities for women and men, so that they can enjoy their rights under law.

The CNDH, through its

Program for Women Affairs and Equality between Women and Men, works in order to create a culture eliminating discriminatory practices that provoke inequality and gender violence.

In the period from January to August this year, the program responded 541 complaints, of which 147 alleged violations to right of equality between women and men, and carried out 109 promotional activities in federative entities.

Such activities have an impact on educational

institutions, government, civil organizations, general attorneys' offices, health centers and state human rights commissions working for the dignity of women.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_261.pdf

CNDH TRAINS INM OFFICIALS OF ALL REGIONAL DELEGATIONS

CGCP/262/12

September 26th, 2012

To fold down current human rights violations rate of migrants in transit or in an irregular situation in México, the National Human Rights Commission carried out an ongoing training campaign aimed to key actors in immigration issue, having as objective to provide educational tools about reforms to constitutional framework in human rights matters, Immigration

Law and Refugees and Complementary Protection Law, in order to create a culture of legality and respect for human rights of all migrant people. It has trained personnel of all INM regional offices in México, through workshops by attendance, videoconferencing and online courses.

Within these framework actions, a Migrants' Human Rights dissemination workshop was held, carried out jointly by the CNDH and the INM, which was attended by all INM

regional delegates and CNDH's public officials, from central and regional offices.

The National Commission emphasizes that democratic nature of Mexican state forces itself to assume a proper management of migration phenomenon with a vision of full respect for human rights.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_262.pdf

LABOR MARKET INTEGRATION OF PERSONS WITH DISABILITIES

CGCP/263/12

September 29th, 2012

The National Human Rights Commission considers it necessary to promote nationwide public policies and programs that enable labor integration of persons with disabilities.

According to 2010 Survey of National Council to Prevent Discrimination (CONAPRED), 27.5 percent of people with disabilities found that main problem they face is unemployment in México; only 38.9 percent get an income

for the work they performed.

This National Autonomous Organism, states that it is State's obligation to provide equal opportunities for all people, and especially to those who make up the most vulnerable groups of society, such as elderly, children and adolescents at risk of street, persons with disabilities.

Therefore it is necessary to disseminate among society the fact that disability is not only a health issue but also of human rights.

The CNDH endorses principles of Convention on Rights of Persons with Disabilities and reaffirms its commitment to promote, protect and ensure full enjoyment, and equal rights and liberties of persons with disabilities and respect for their inherent dignity.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_263.pdf

GUARANTEE INDIGENOUS PEOPLE RIGHT TO WORK

CGCP/264/12

September 30th, 2012

The National Human Rights Commission considers that priority should be to strengthen state actions to guarantee the right to decent and well paid employment of indigenous people.

Article 23 of the Universal Declaration of Human Rights and 123 of the Constitution of the Mexican United States provides that everyone has the

right to work under equitable and satisfactory to earn a salary, however, these precepts are not always fulfilled at indigenous communities, in which predominate marginalization, poverty and lack of employment opportunities.

International organisms estimates indicate that about 370 million indigenous people who live in more than 70 countries, faced employment discrimination, this group represents five percent of the world population and 15 percent

of the world's poorest people.

This autonomous national organism calls upon government and society to respect the human rights of indigenous people and to redouble efforts through that increased job opportunities to achieve a better quality of life.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2012/COM_2012_264.pdf

BOOK OF THE MONTH

International Law of Human Rights and its reception in México

(Derecho Internacional de los Derechos Humanos y su recepción en México)

Cesar Alejandro Sanchez Orozco
 ISBN: 978-607-8127-52-8
 Country: Mexico
 Collection: No Collection
 Year: 2012
 Number of pages: 337
 Product Type: Book
 Presentation: Paperback
 No. of volumes: 1

The reform of various articles of the Constitution of the United Mexican States, published in the Official Journal of the Federation on June 10, 2011,

it joined elements and principles of international law of human rights and the obligation of the international in this area, requiring further study of this subject.

This book provides a broad context of what has been called the doctrine of international law of human rights, addressing each of their sources: treaties, custom, doctrine, case law and the general principles of law.

To emphasize the qualities, characteristics, types, and how to interpret international treaties. It displays the properties and characteristics of the universal and regional human rights protection, particularly

the powers and authority of the courts and non-judicial bodies such as committees, rapporteurs or advice.

Presents a critical analysis of the influence he has had international law of human rights in the Mexican legal system, how they have affected their sources and TASKS pending in this matter.



http://www.ubijus.com/index.php?page=shop.product_details&flypage=flypage_images.tpl&product_id=175&category_id=15&option=com_virtuemart&Itemid=222

ARTICLE OF THE MONTH

Labor Rights

Source: Andi Mirom |

09/18/2012

Develop labor standards rights are recognized as human rights. This situation can not be ignored, since an interpretation must prevail for the preservation and expansion of human rights and a strict interpretation thereof.

In this regard, is sufficient to observe the provisions of items ranging from 22 to 25 of the Universal Declaration of Human Rights. In this sense, it provides:

"(...) Article 22. Everyone, as a member of society, has the right to social security and realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural indispensable for his dignity and the free development of his personality. Article 23. 1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to

protection against unemployment. 2. Everyone has the right, without discrimination, to equal pay for equal work. 3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. 4. Everyone has the right to form and join trade unions for the protection of their interests.

Article 24. Everyone has the right to rest and enjoyment of leisure time, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. 1. Everyone has the right to a standard of living adequate for the health and his family, health and wellness, and including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood

are entitled to special care and assistance. All children, whether born in wedlock or out of wedlock, shall enjoy the same social protection". (The bold and underlining in original) (UNIVERSAL DECLARATION OF HUMAN RIGHTS, Adopted and proclaimed by the General Assembly of the Organization of Nations United in its resolution 217 A (III) of 10 December 1948)

As noted, have vacation properly is a human right recognized in Article 24 cited and far from being a human right that should be restricted, its extension should be promoted.

andimirom.blogspot.com

http://www.elpais.cr/frontend/noticia_detalle/3/72654

RECOMMENDATIONS

RECOMMENDATION 42/2012

MATTER: The case of excessive use of force in grievance to V1, V2, V3, V4 and V5, and deprivation of life of V2 and V3 in the municipality of Cárdenas, Tabasco

RESPONSIBLE AUTHORITY: Ministry of Public Security Federal

September 6th, 2012

The National Human Rights Commission initiated complaint file CNDH/1/2011/5878/Q, due that on June 11, 2011, V1, V2, V3, V4 and V5, while travelling aboard a vehicle type "redilas truck" on Villahermosa-Coatzacoalcos federal highway, as reaching traffic lights located on bridge "La Minerva", in Cárdenas municipality, Tabasco, they passed the red light, a situation that was observed by Municipal Police members, who initiated a pursuit, to which subsequently, who joined AR1 and AR2, federal police officers, who marked them to stop, but V1, who was driving the van did not stop his march.

The cited federal public servants opened fire with their guns, killing V2 and V3.

Therefore, the Public Ministry Investigator Agent ascribed to Third Shift Agency Assistant General Attorney of Tabasco State, started preliminary inquiry No. 1, which for competitive reasons, was referred to Public Ministry Agent ascribed to Second Delegation

of the cited unit, starting Preliminary Investigation No. 2, for the crime of murder, which, in turn, on the 13th of same month and year, was sent to the General Directorate of Preliminary Investigations Center belonging to attorney's office, settling it as Preliminary Investigation No. 3, for simple homicide crime, committed to detriment of V2 and V3.

On June 15, 2011, Preliminary Investigation No. 3 was recorded, been held without detainees before Judge Penal Sixth of First Criminal Instance in "Center" municipality, in state of Tabasco, which originate initiation of criminal case No. 1 and derived from it, were dictated arrest warrants against AR1 and AR2, Federal Police elements. Such arrest warrants have not been executed, because it is unknown aforementioned public servants whereabouts.

Furthermore, through ex officio OIC/PF/AQ/7030/2011, of September 2, 2011, the Complaints Area Director of Internal Control in the Federal Police stated to this national organism about that Administrative Procedure No. 1 has been initiated, without been informed about progress of it.

Now, from body of evidence legal analysis that integrated the mentioned file, this National Organism counted with elements that allowed to prove human rights violations to law, legal security, integrity

and personal security in detriment of V1, V2, V3, V4 and V5, and life in detriment of V2 and V3, attributable to AR1 and AR2, Federal Police civil servants, belonging to Secretariat of Federal Public Security, therefore issued Recommendation 42/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_042.pdf

RECOMMENDATION 43/2012

MATTER: On the case of justice delivery delay within labour procedural by Federal Board of Conciliation and Arbitration, to detriment of V1

RESPONSIBLE AUTHORITY: President of Federal Board of Conciliation and Arbitration

September 10th, 2012

The National Human Rights Commission initiated complaint file CNDH/6/2011/3874/Q, due that on January 28, 2009, V1 brought before AR1 lawsuit against Mexican Social Security Institute, derived from authority's refusal to grant a disability pension for working risk, as since 2005 V1 presented shoulder problems, limitations to extent of having to move it, so she has been underwent surgery twice, situation that has left aftermath to do their job, reason why labor trial 1 started.

On March 7, 2011, V1 filed a complaint with Sonora's State Human Rights Commission, because of competition was referred to this National Commission on April 26 of that year, in which warned that AR1 has been remiss on processing labor trial 1, so she asked intervention of organisms of human rights protection in order to undertake necessary steps to reverse this situation.

Derived from filed complaint by V1, this National Organism requested AR1 and to SP1, respective reports in relation to this case, who said that were pending at the date to vent various appropriate decision, which at date of this statement has not been issued.

From legal analysis of evidence contained in the mentioned complaint file , this national organism determined that AR1 has incurred delays in labor trial 1 processing , situation that has contributed notifying failure, on part of AR2, ascribed actuary to Special Board no. 23 of Federal Conciliation and Arbitration, in clear breach of Federal Labour Law, behaviors that constitute violations of rights to legality and legal certainty, access to justice, to detriment of V1 , consisting delay processing integration of labor trial 1, thereby causing delay in proceedings and an obstacle to rights exercise in contravention to provisions of Articles; 1, third paragraph, 14, second paragraph, 17, second paragraph and 123, section A, paragraph XX of Constitution of United States of Mexico that indicates that all authority is obliged to respect human rights, and that everyone has right to be given justice by courts to be expedited to impart it on the timing and terms established by law

and shall give their rulings in a prompt, full and impartial manner. Therefore, the CNDH issued Recommendation 46/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_043.pdf

RECOMMENDATION 44/2012

MATTER: On the case of justice delivery delay within labour procedural by Federal Board of Conciliation and Arbitration, to detriment of V1, person with disability

RESPONSIBLE AUTHORITY:

President of Federal Board of Conciliation and Arbitration
September 12th, 2012

The National Human Rights Commission initiated complaint file CNDH/6/2012/4959/Q, due that on November 19, 2006, V1 who worked as a driver for company 1 suffered an accident at work, which caused that on January 25, 2007 amputation of his left leg; hence, filed a complaint demanding benefits that legally correspond, with what labour trial began in January.

On March 15, 2011 decision was dictated within labour judgment 1, which ordered company 1 and to co-defendant 1, V1's compensation and relocation, respectively; however, because of disability resulting from accident, it is impossible to reinstall V1 on the same position he used to perform.

On August 22, 2011, a incidental settlement hearing was held within labour trial 1, derived from the promotion brought by P3, V1's legal representative, dated June 16 of that year.

On September 9, 2011, decision was given to mentioned settlement incident, in which it was approved; elapsed days payment on account from February 20 to September 13, 2011, Christmas bonus, vacation, vacation bonus, medical care, medicines and therapies.

On November 11, 2011, AR2, Chairman of Special Board no. 3 Bis of Federal Conciliation and Arbitration, issued an order of execution, in response to V1's request, brought on October 24 of that year.

On December 1, 2011, pursuant to aforementioned referred agreement, AR1, actuary assigned to Special Board No. 3 Bis of Federal Board of Conciliation and Arbitration, acting in company of V1 and legal proxies, including P3, was established in the address of the company 1, in order to carry out due diligence for a payment ordered by AR2, pursuant to the judgment award in job 1 in the presence of P1 and P2, alleged members of the Commission of Honor and Justice company 1, who refused to identify.

Before the payment made by the authority, P1 and P2 reported not having authority to do so, immediately afterwards, AR1 V1 granted the right to point out sufficient property to ensure the amount convicted in the award, among which actions company1 partners, which is stuck on the embargo.

Subsequently, AR1 moved to an address different from the company1, which continued diligence and levied an attachment on various vehicles owned by the company, it also named P1 and P2 repositories of the property seized 11.

On January 12, 2012, AR2 determined proceeding by AR1 was null, and consequently ordered the mentioned authority to give effect to agreement of November 11, 2011 in order

to perform once again the property seized, without fixing a date and time for relief of it.

Additionally, on January 24, 2012 V1 came to Complaints Unit, Reporting and Accountability Federal Board of Conciliation and Arbitration in which he filed a grievance against institution's public servants proceeding, prompting commencement of administrative proceeding 1.

From legal analysis of evidence in file of complaint in question, this National Organism authorities determined that the administration of justice in labor matters have hindered the implementation of decision issued in labor trial 1 and thus have incurred delays in the process, resulting from improper actions of AR1 while performing diligence requirement and seizure. So it issued Recommendation 44/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_044.pdf

RECOMMENDATION 45/2012

MATTER: On the case of arbitrary detention and torture against V1, in Tarimbaro, Michoacán

RESPONSIBLE AUTHORITY: Secretary of National Defense

September 13th, 2012

The National Commission on Human Rights began CNDH/2/2011/5850/Q complaint file, because the June 21, 2011, AR1, AR2 and AR3 the Mexican Army belonging to 12/o Infantry Battalion in Morelia, V1 arrested while he was with P1 and T1 in bar 1, Tarimbaro, Michoacán.

The same June 21, V1 was made available to the delegation of the Attorney General's Office (PGR) in the state of Michoacán, where the preliminary inquiry began in January for the commission of the crimes against health and violation Federal Law of Firearms and Explosives, and later was transferred to the Office of Special Investigations on Organized Crime of the Attorney General in México City, where the preliminary inquiry began in February on charges of organized crime in the Unlawful mode health.

Because of the injuries presented V1 to be made available in México City,

was hospitalized in the clinic 1 June 22, 2011, where he stayed 10 days and subsequently in the preliminary February, a district judge decreed him rooting for 40 days, which turned into the house of rooting México City.

The preliminary investigation 2 was recorded on July 30, 2011 and filed in the First District Court in Federal Criminal Proceedings in the state of Tamaulipas, prosecution exercised against V1.

It also began the preliminary 3, with certified copies of the investigation, which was recorded.

On August 11, 2011, V1 was taken to Cefereso No. 3, located in Matamoros, Tamaulipas, where the date of issuance of this Recommendation is still internal.

Also, the July 4, 2012, the head of the Complaints Section of National Affairs Branch of the Directorate General of Human Rights informed the Department of Defense, through the Office prosecutor assigned to the Military Zone XXI Military in Morelia, Michoacán, launched an investigation following April, for the events of June 21, 2011 to the detriment of V1, attributable to military personnel attached to 12/o

Infantry Battalion of Military Zone said.

Legal analysis of the evidence contained in the file of complaint mentioned, the National Commission notes that violated human rights and personal security, legal security, freedom, dignified, legality, ownership or possession, and the presumption of V1 innocence in tort for acts consisting of arbitrary arrest, illegal detention, incommunicado detention, torture, and illegal search, attributable to members of the Ministry of National Defense. Therefore, it was issued Recommendation 45/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_045.pdf

RECOMMENDATION 46/2012

MATTER: On the case of excessive use of public force in grievance to V1, V2, V3, V4 and V5, and deprivation of life V5 in Ciudad Juárez, Chihuahua

RESPONSIBLE AUTHORITY: Secretary of Public Security

September 14th, 2012

The National Human Rights Commission initiated complaint file CNDH/1/2010/4451/Q, due that on July 24, 2010, at approximately 22:30, V1, V2 (male), V3 (women), V4 and V5 (under 4 and 15 years, child and adolescent women, respectively) as traveling aboard a car in Ciudad Juárez, Chihuahua, when upon reaching corner of Toltzi and Maycoba, where Federal Police elements shot them with their guns, wounding V3 and V4 and V5 death.

Therefore, the Public Ministry agent assigned to Special Unit on Crimes against Life of General Attorney's Office of Chihuahua state, opened Research Folder No. 1, by charges of murder and attempted murder, in grievance of V3 and V5, which because of competitive reasons, was sent on July 28 of that year,

to Special Prosecutor for Crimes against Women and Persons Trafficking, of General Attorney's office of the Republic, initiating Preliminary Inquiry # 1, by charges on homicide in grievance to V5 and attempted murder and abuse of authority against V3, which in turn, on August 22, 2010, was sent to the Sixth Investigation Agency in the State Delegation of that unit, settling as Preliminary Investigation No. 2, for same crimes, without been informed about his determination up to statement's date.

Nor does, this National Commission received record whatsoever it had initiated any investigation procedure against elements of Federal Police involved in events.

Legal analysis of evidence that integrated aforementioned file, the National Organism warned human rights violations to the integrity and personal safety, legality and legal certainty to the detriment of V1, V2, V3, V4 and V5, and V5's life attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7 and AR8, civil servants of Federal Police, part of Federal Public Security Secretariat.

Therefore Recommendation 46/2012 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_046.pdf

RECOMMENDATION 47/2012

MATTER: On the case of inmates at Social Reinsertion Center No. 1 in Durango, Durango

RESPONSIBLE AUTHORITY: Constitutional Governor of the state of Durango

September 27th, 2012

The National Commission for Human Rights initiated the complaint file CNDH/3/2011/2795/Q accumulated due that on March 10, 2011, was published in the newspaper "El Sol de Durango" that arose the day before a fight between inmates of Social Reinsertion Centre number 1 in Durango, Durango, where a person died, V1, therefore on the 11th of same year, deputy investigators of Human Rights Commission of Durango constituted at the reinsertion center and interviewed authorities who corroborated such information, stating that also injured V2 and V3, who were taken to the General Hospital in the town.

Due to the foregoing,

the Public Ministry agent of the Federation, opened a preliminary 1, against ARTI, for his alleged involvement in commission of crimes against health and others, whom was consigned on 11 March last year, so the criminal case 1 settled, before the authority with jurisdiction.

Also, on May 18 of that year, another violent event was raised among several inmates of that detention center, being injured V4, V14, V15, V16, V17 and V18, and nine more died in the place V5, V6, V7, V8, V9, V10, V11, V12 and V13; for this reason federal police elements entered the penitentiary center, and ministerial authorities of the General's Attorney Office and General Attorney of the State initiate investigations as a result of such circumstances.

Now, from complaint file legal analysis of accrued records, this National Commission concluded that it was violated rights to life, personal integrity and safety, legality,

legal certainty by dignified treatment and social reintegration, to detriment of inside the Social Reinsertion Centre number 1 in Durango. Therefore Recommendation 47/2012 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_047.pdf

RECOMMENDATION 48/2012

MATTER: On the case the case of excessive use of force and public deprivation of life, to detriment of V1, in Puerto Vallarta, Jalisco

RESPONSIBLE AUTHORITY: General Attorney of the Republic

September 28th, 2012

The National Human Rights Commission initiate complaint file CNDH/1/2010/6817/Q, due that on November 19, 2010, at 21:00 hours, V1, a 22 years old male, came out T1's home located at "Aurora" residential area in Puerto Vallarta, Jalisco, when AR1 Ministerial Federal Police element, belonging to General's Attorney Office, who was dressed as civilian, approached victim and pulled his arm; situation that caused V1 to be frightened and run away.

AR1 looked at AR2, element of that unit, also dressed in civilian clothes who was in the opposite sidewalk, and at signal, both by foot immediately began V1's persecution.

Subsequently, AR1 shot his gun up into the air and moments later performed two more shots against V1, wounding him in the back of the neck;

the aforementioned public servant remained at scene of crime, but his partner AR2, left before emergency services arrival that took V1 for his care in an ambulance to a private hospital.

Therefore, on November 22, 2010, Q1 lodged a complaint before the Human Rights Commission of Jalisco, which was forwarded by competition to this national organism.

On November 27, 2010, V1 passed away, and pointing out as causes of death in death certificate: injuries caused by firearm penetrating skull projectile.

Legal analysis of body of evidence that integrate aforementioned file, this National Organism counted with elements that allowed to accredit human rights violations to life, personal integrity and security, as well as legality and legal certainty on V1's detriment, attributable to Federal Ministerial Police elements, belonging to General's Attorney Office. So Recommendation 48/2012 was issued.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_048.pdf

RECOMMENDATION 49/2012

MATTER: About the Recourse of Impugnation of V1

RESPONSIBLE AUTHORITY: Constitutional Governor of the state of Guerrero

September 28th, 2012

The National Human Rights Commission initiated refutation measure brought CNDH/1/2012/85/RI, due that on May 16, 2007, V1, Ministerial Police Group Coordinator by then, belonging to the Attorney's General Office justice of the state of Guerrero, was commissioned to safeguard the physical integrity of a guarded person.

Ten months later in March 2008, the Head Department and Logistics, by then, from the cited Directorate, ordered V1 by phone to concentrate at their general corporation's direction, by ARI instructions Ministerial Police General Director by then.

V1 requested that such instruction be turned by ex officio in order to detach himself from any liability that may incur by suspending custody of the person who was responsible for since 2007, nevertheless the aforementioned hierarchical superior replied negatively, pointing out that if he fail complying with ARI instructions would proceed against him.

V1 stated that since the first half of April 2008, his salary payment was suspended, by ARI instructions, without justification, and that on the 30th of that month and year, had delivered gun and flak jacket under his safekeeping to whom was chief of Department and Operating Control of that enforcement agency.

Therefore, on May 12, 2008, V1 lodged complaint at Human Rights Defense Commission of Guerrero State (CODDEHUM), an organization that after investigations, issued Opinion and Proposal number 099/2008, headed to Justice General Attorney of Guerrero state by then, authority who reported proposal and cited opinion rejection, also, stated that V1 was in establishment plan, precisely, attached to the Ministerial Police Coordination based in Chilpancingo, Guerrero, with employee number 03012.

This was made of V1's knowledge through ex officio which caused complain, therefore, on April 1, 2009, CODDEHUM, addressed Recommendation 044/2009, to then general justice attorney of that Federal entity, reiterating what is stated in the Opinion and Proposal No. 099/2008, and by ex officio of April 16, 2009, the responsible authority confirmed recommendation's rejection.

For its part, State's Commission staff tried three times to notify V1 recommendation's rejection 044/2009, which was not possible, so that through agreement of June 22, 2009, it was determined to leave open complaint file, achieving V1's notification of such circumstance until February 14, 2012.

Finally, on February 22, 2012, V1 filed an appeal for contesting, which was submitted to the National Commission. Legal analysis of the body of evidence that integrated the file mentioned, the National Organism had elements that allowed him to establish human rights violations of legality and legal certainty to the detriment of V1, attributable to ARI, Director General of Police Ministerial Attorney General of the state of Guerrero. So the CNDH issued Recommendation 49/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_049.pdf

RECOMMENDATION 50/2012

MATTER: About the arbitrary detention, illegal detention, isolation and torture, to detriment of V1, V2, V3, V4, V5, V6, V7, V8 and V9, in the state of Nuevo Leon

RESPONSIBLE AUTHORITY:
Secretary of the Navy

September 28th, 2012

The National Human Rights Commission initiated complaint file CNDH/2/2010/6035/Q, due that on October 20, 2010, the Sixth District Judge for Criminal Matters in the state of Nuevo Leon, agreed to refer to this national agency certified copy of rendered preparatory statements by V1, V2, V3, V4, V5, V6, V7, V8 and V9, in the criminal case 1, since when questioned by their defense counsel referred having been beaten and tortured by AR1, AR2, AR3, AR4 and AR5, elements of the Navy Secretariat who detained them in Saltillo beltway road located in Villa de García, municipality of Santa Catarina, Nuevo León, and were taken to facilities occupied by Temporary Operating Base of that unit, located in San Nicolás de los Garza, in that federative entity, where they remained until 17:00 pm of October 17, 2010, when they were put in disposal to Public Federation Ministry agent in General Escobedo, Nuevo León.

Even they specified that still had lesions that were caused, and of which was given testimony within the respective process, the foregoing is in order to making knowledge to this National Commission of the facts referred by the complainants in order to proceed according to law, based on Article 11 of the Federal Law to Prevent and Punish Torture, in conjunction with Article 6 of the National Human Rights Commission Law. Therefore, on November 11, 2010, was initiated complaint file aforementioned.

Order to document human rights violations, deputy visitors and expert witnesses from the National Commission conducted various field works to locate and compile testimonies and documents.

In addition, information was requested from the Secretaries of the Navy and National Defense, as well as in collaboration with the Attorney General's Office of the Republic, the Sixth District Court in criminal matters in the state of Nuevo León, and the Centre for Social Reinsertion "Apodaca".

From the logical juridical analysis of the body of evidence in the file of complaint cited, observed behaviors that constitute violations of human rights

to V1, V2, V3, V4, V5, V6, V7, V8 and V9 committed by AR1, AR2, AR3, AR4 and AR5, among others, relating to legality and legal certainty and integrity and personal safety, by actions consisting of arbitrary arrest, illegal detention, isolation and torture. As issued Recommendation 50/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_050.pdf

RECOMMENDATION 51/2012

MATTER: About the suspension of the public service of electricity in the Hospital "Doctor Manuel Campos", in Campeche, Campeche, by the Federal Electricity Commission

RESPONSIBLE AUTHORITY: General Director of Federal Electricity Commission

September 28th, 2012

The National Human Rights Commission initiated complaint file CNDH/2/2012/881/Q, due that on January 23, 2012, the National organism was informed by published news stories in various national media, such as "La Jornada" and "Proceso", about deaths of two neonates and health status affectation of 14 patients who were at Hospital "Doctor Manuel Campos" in Campeche city, Campeche state, after power supply suspension occurred on January 19 same year, on part of Federal Electricity Commission (CFE).

Occasion of these facts, Public Ministry agent of Federation, head of the Fourth Bureau of Inquiry, in aid of holder

of the Fourth Investigating Agency on January 24, 2012 initiated detailed affidavit 1, which at this Recommendation issue date is still in integration.

Reported that in aforementioned research agency, none ministerial inquiry integration by facts has been initiated, since to be a public entity belonging to public federal administration structure, due that was no of its concern by competition to take care of.

According to report submitted by the CFE, the filing date of latter will not warned that it has been initiated any administrative investigation before the Internal Control Organ of unit, due to complaint facts.

From the logical juridical analysis performed to evidence body in the mentioned complaint file, the National Commission notes that Federal Electricity Commission actions were apart from constitutional principles governing provision of electricity public service and thus violated in detriment of inpatients at Hospital "Doctor Manuel

Campos", the human right to health protection. As issued Recommendation 51/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_051.pdf

RECOMMENDATION 52/2012

MATTER: On arbitrary detention, illegal retention, rape and sexual torture of V1 in Tijuana

RESPONSIBLE AUTHORITY: Secretary of National Defense; Republic General Attorney

September 28th, 2012

The National Human Rights Commission initiated complaint file CNDH/2/2011/2502/Q, due that on February 2, 2011, at approximately 10:00 hours, V1 was arrested by four elements of Mexican Army dressed as civilians, hooded and bearing shotguns, among them were AR2 and AR3, while driving her car on Juárez Avenue in Ensenada city, Baja California downtown area.

The victim was covered with point gun through one of her captors who, while hitting the window with one of the weapons, indicated to open the door, putting her in the rear of car, covered her face and took her to Tijuana's 2 / Military Zone facilities.

At 20:00 pm same day, V1 was put at disposal to AR4, prosecutor of the Federation Head of the Bureau of Investigations XII of the Attorney General's Office (PGR) in Tijuana, along with her vehicle 5 kilograms of marihuana and several packages of narcotics, allegedly been found after a review motivated by an anonymous complaint indicating that a woman was selling drugs at Ensenada's downtown, so AR4 determined to initiate preliminary investigation 1, by committing crime against health.

AR4 also agreed V1 retention at 2 / Military Zone in Tijuana facilities and shift ex officio

to Commander Zone, asking for detainee's custody, where she was beaten, tortured and raped in order to incriminate her on criminal acts, where she realized that there were also other tortured people, apparently military elements.

On February 6, 2011, AR4 requested and obtained a court order of attachment for a term of forty calendar days against V1, same that started on February 9, 2011, for what on that date the victim was taken to Federal Research Centre in México City.

On April 18, 2011, Preliminary Investigation 1 was consigned to Criminal Proceedings Federal First Court in Matamoros Tamaulipas, whose holder on April 19 declined jurisdiction to hear the case and forwarded court's file to its counterpart, Judge Tenth District in Baja California state, who admitted jurisdiction of matter and established and substantiated Criminal Case 1, within which on September 1, 2011, was rendered judgment of acquittal in favor of V1.

Through ex officio of April 19, 2011, the Deputy Director of National Affairs of the Department of Defense reported to this National Commission that any procedure has not been initiated by military Public Ministry agent, or by holder of Internal Control in this Secretariat on the occasion of events to V1 detriment.

Meanwhile, on December 15, 2011, V1 formalized charges against AR1, AR2, AR3, AR4, AR5, AR6, SP1 and whoever is responsible for events committed against V1, before agent of MPF attached to Attorney's

office for Violent Crimes against Women and Human Trafficking, of PGR in México City, which led to preliminary investigation 2 and which is currently in integration, but which, as reported in a telephone interview by V1 representatives, members of the Mexican Human Rights for Defense and Promotion Commission AC, up to August 15, 2012 there has been no diligence in order to ascertain the facts.

Legal analysis of body of evidence in the mentioned complaint file, this National Commission notes that human rights violations to personal liberty, security of person, to decent treatment and legality, legal certainty and access to justice to V1 by violation facts consisting in arbitrary detention, illegal retention, torture and attacks against sexual freedom, by Mexican Army elements; also for omitting to carry out necessary steps for facts clarification by General's Attorney Office. As issued Recommendation 52/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_052.pdf

RECOMMENDATION 53/2012

MATTER: Case of arbitrary detention, illegal detention, torture, cruel and care measures omission that led to V1 and V2 lives loss in a Social Rehabilitation Center in Durango state

RESPONSIBLE AUTHORITY: Secretary of National Defense; Constitutional Governor of Durango

September 28th, 2012

The National Human Rights Commission initiated complaint file CNDH/2/2011/481/Q, due that on December 29, 2010 night, between 20:30 and 21:30 hours elements of National Defense Secretariat 85 / o. Infantry Battalion 10 / Military Zone, arrested V1 and V2 in immediate vicinity of Gómez Palacio City in Durango state.

Detainees, who were 37 and 26 years old at the time, were presented next day around 13:15 hours before the prosecutor of the Federation, General's Attorney office of Federation, Holder of Center of Strategic Operation of Mixed Unit of Narco-retail Attention in Gómez Palacio, Durango, for their alleged involvement offenses of illegal firearms custody and drug possession.

The agent of General's Attorney office of Federation, after making corresponding legal procedure and qualify facts and actions attributed to V1 and V2, criminal action was taken against them as probable perpetrators, referred case to district judge on duty for continuation with the criminal process and ordered them made available to the Social Rehabilitation Centre Number 2 in Gómez Palacio, Durango, as detainees.

On December 31, 2010 afternoon, V1 and V2 were taken to referred social rehabilitation center, nevertheless, hours later, V1 died in infirmary facilities as a result of injuries caused by military elements when his arrest, while V2 died a few days later, on January 11, 2011, he was found hanging from a bed sheet in his cell's shower, after a domestic quarrel in the same social rehabilitation center.

Legal body of evidence analysis in mentioned complaint file, noted behaviors configured human rights violations of V1 and V2 to decent treatment, life, liberty, personal integrity, protection of health and safety law and legal, caused by events involving arbitrary arrest, illegal search, detention, torture and cruel treatment

by military elements, as well as care omissions of public servants of Social Rehabilitation Center Number 2 in Gómez Palacio, Durango, in turn affecting health and physical integrity of V1 and V2 and that led to their lives decline in prison's facilities. As issued Recommendation 53/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_053.pdf

RECOMMENDATION 54/2012

MATTER: Case sexual assault to migrant child V1

RESPONSIBLE AUTHORITY:
National Migration Institute
Commissioner

September 28th, 2012

The National Human Rights Commission opened file CNDH/5/2011/5523/Q occasion of complaint brought on June 17, 2011 by V1, due that on February 2011, V1 was in shelter of parish of Tenosique, Tabasco, which whom was approached by AR1, Delegate of National Migration Institute, by then, in town, who offered regularize her immigration status by sexual relations in exchange; nevertheless V1 refused to accept his pretensions, anyway AR1 tried to rape her.

AR2, Career Coordinator, Immigration Services Specialist, became aware of AR1 pretensions with V1, since it was present while driving all the way from shelter to a town hotel and, meanwhile, AR1 committed sexual acts on V1's body, without consent, such as lewd touching, this, coupled with V1 description, to both T2 as well as AR2, that AR1 tried to rape her, however, both T2 as well as AR2 requested V1 to keep in silence.

On June 13, 2011, when V1 and T1 reported events to beta team personnel, were channeled to AR4, Office Manager of INM Regional Delegation in Tabasco, who offered to go on with regularization procedure, whenever they maintained discretion and no action in the matter.

AR3 and AR4 initiated V1 and T1 immigration status regularization procedures, which, according to information published at National Migration Institute website, was recorded and assigned on June 16, 2011, also was classified on the 29th of same month and year, and on September 19, 2011 was published that those involved should be presented in an office of the institute.

For events occurred with AR1, on June 21, 2011, V1 filed a complaint of facts which gave rise to preliminary inquiry 1, for sexual abuse and rape attempt crimes at Special Prosecutor for Crimes of Violence against Women and Persons Trafficking of Attorney's General Office, which was con-signed before competent jurisdictional authority on August 17, 2011, which gave rise to criminal case 1. On December 22 of that year, V1 was repatriated to her origin country.

The criminal case 1 was started before the Second District Court in Tabasco State, and on August 18, 2011 was issued an arrest warrant against AR1, for sexual abuse and attempted rape crime, which was completed on 15 June 2012.

On 21 June this year, was issued an arrest warrant to AR1 for sexual abuse crime. Now, legal analysis of the body of evidence comprising mentioned complaint file, case features sufficient evidence to prove human rights violations to legality, legal certainty, to physical and mental integrity, to liberty and decent treatment, to detriment of V1,

attributable to public servers of National Migration Institute, by skipping events consisting legality, honesty, loyalty, fairness and effectiveness in carrying out functions, jobs, positions, or commissions, omitting providing people's protection in need; obstruct access to justice procurement; transgress sexual freedom of a child, and actions that might violate migrants' rights, especially children and adolescents unaccompanied. As issued Recommendation 54/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_054.pdf

RECOMMENDATION 55/2012

MATTER: About the disappearance of V1, in the municipality of San Pedro Garza García, Nuevo Leon

RESPONSIBLE AUTHORITY: Governor of state of Nuevo León; Members H. City Council of San Pedro Garza García, Nuevo León

September 28th, 2012

The National Human Rights Commission CNDH/2/2010/6447/Q opened file, due to on November 12, 2010, at approximately 18:15 hours, AR1 and AR2, police officers attached to Municipal Security Secretariat (SSM) of San Pedro Garza García, Nuevo León, arrested V1, who was inside a car parked outside a convenience store, considering that he showed "suspicious behavior" and had no identification or documents showing vehicle's possession, transferring him to Secretariat's facilities.

In this place, AR3, commander assigned to Operative General Coordination for General attorney's office of Justice of Nuevo León state (PGJNL), informed them that he would be in charge of detainee arguing apparently links with organized crime.

AR3 ordered to AR4 and AR5, ministerial officers from State Agency of Investigation (AEI), to handcuff V1 and to put him into one of their units, in order to transfer him to AEI offic-

es in Monterrey, to verify his identity and background.

In the mentioned place, no results were found linking him to organized crime, however, AR3 ordered ministerial agents to transferred temporarily V1 to Navy facilities, located in San Nicolás de los Garza, where met with naval elements SP10 and SP11, which introduced V1 to naval base, remaining there about 20 minutes in order to search for his data in Secretariat's register.

Since there was no evidence linking him with organized crime, SP11 and SP12 stated that detained should be withdrawn.

Public servants of the Navy and the AEI stated that V1 walked out of naval base facilities and boarded a ecotaxi, this being the last time victim was seen.

As regards to facts, V2, V1 wife, promoted protection proceedings 1 and 2, initiated on 22 and 13 November 2010 respectively, within which various activities were conducted in order to locate the victim, without obtaining information about his whereabouts.

Up to date there has been no evidence of any administrative proceedings been initiated against officials of the Attorney General of the state of Nuevo León.

Legal analysis of the body of evidence comprising the file of complaint cited, be-

haviors are noted by members of the Secretariat of Security Council of San Pedro Garza García, Nuevo León, and elements of the State Agency of Investigations of the Attorney General for Justice of state of Nuevo León, which constitute violations of human rights to personal liberty, to life, integrity and personal safety, to dignified treatment, legality and legal certainty for facts involving the detention arbitrary and forced disappearance of V1, and the right to humane treatment to the detriment of V2, V3, V4, V5, V6 and V7, among other relatives. As issued Recommendation 55/2012.

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_055.pdf

RECOMMENDATION 56/2012

MATTER: On groups for consultation human rights violation, use and enjoyment of indigenous territories, cultural identity, a healthy environment, water and sanitation and protection of people's health in Wirikuta Wixárika

RESPONSIBLE AUTHORITIES:

Secretary of Economy;
Secretary of Environment and Natural Resources;
Director General of the National Water Commission;
Federal Attorney for Environmental Protection;
General Director of the National Development of Indigenous Peoples Commission;
Governor of the State of San Luis Potosí;
Members of City Council of Catorce, San Luis Potosí;
Members of City Council of Salinas Hidalgo, San Luis Potosí;
Members of the City Council of Villa de la Paz, San Luis Potosí;
Members of the City Council of Matehuala, San Luis Potosí;
Members of the City Council of Villa de Guadalupe, San Luis Potosí;
Members of the City Council of Villa de Ramos, San Luis Potosí;
Members of the City Council of Charcas, San Luis Potosí.

September 28th, 2012

The National Human Rights Commission initiated complaint files CNDH/2/2010/6322/Q and its accumulated CNDH/2/2011/9130/Q, due that on November 12, 2010, the National Organism received complaint Q1, referring front "Save Wirikuta Tamatzima Wa'ha" statement, which states that federal government has granted federal mining permits for a mining company, MI, to conduct its operations in a protected natural area called Wirikuta, in the state of San Luis Potosí, against indigenous people cultural integrity and nation's historical and environmental heritage.

On October 28, 2011, Q2, Wirikuta's Front in Defense, sent an email confirming facts reported by Q1 and argued, among several issues, which the aforementioned mining company, MI, and other domestic and foreign companies, have concessions granted by federal government to conduct mining operations in Wirikuta, despite being a protected area and part of the sacred territory of Wixárika people.

Q2 attached to its complaint document prepared by traditional authorities of indigenous people themselves, in which is mentioned that while management plan of protected area of the zone, issued in 2008 by the government of the state of San Luis Potosí, prohibits construction of new mining activities in Wirikuta, federal government has in recent years awarded 22 new grants to several companies to conduct mining activities.

Such concessions are distributed by 70% within protected area in classified zones as sustainable use for agriculture, recovery, special exploitation and traditional land use. In order to corroborate facts related by Q1 and Q2 and verify existence of human rights violations of Wixárika people, deputy visitors and expert witnesses from the National Organism carried out various fieldwork to gather information and documents related to actions gather information and documents related to actions that justify reasons for complaints.

Among others, this National Commission requested information from considered authorities as probable responsible of human rights violations, such as the SE, Semarnat, Profepa, Conagua, CDI, Ministry of Ecology and Environmental Management of the

state of San Luis Potosí and municipalities of Charcas, Matehuala, Catorce, Salinas de Hidalgo, Villa de Guadalupe, Villa de la Paz and Villa de Ramos, all from San Luis Potosí State, and in collaboration with various authorities, such as the SRA, STPS, the INAH, San Luis Potosí's Protection against Health Risks State Commission, and academic institutions such as Colegio de San Luis, AC, Potosino Institute of Scientific and Technological Research, AC, and the University of Guadalupe.

From body of evidence legal analysis that makes up the aforementioned complaint files, this autonomous organization warns that in this case the Ministry of Economy, Ministry of Environment and Natural Resources, Attorney federal's office for Environmental Protection, National Indigenous Peoples Development Commission, National Water Commission, Ecology and Environmental Management Ministry of San Luis Potosí State, and municipalities' councils of Catorce, Villa de la Paz, Matehuala, Villa de Guadalupe, Charcas, Salinas de Hidalgo and Villa de Ramos, also in San Luis Potosí, Wixárika's people various collective human rights have been infringed, been recognized at the United States of México Constitution and in various international instruments signed and ratified by the Mexican State. As issued Recommendation 56/2012

http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2012/REC_2012_056.pdf



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