



Comisión Nacional de los  
Derechos Humanos  
MEXICO

# Newsletter

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OCTOBER, 2013

## The voice of the President

**Remarks by Dr. Raul Plascencia Villaneva, president of the National Human Rights Commission, at opening of the International Seminar "20 years after the Conference of Vienna: Democracy and Human Rights," at the framework of the General Assembly of the Network of National Institutions for Human Rights Protection in the Americas (Spanish acronym- CIC)**

Mexico City October 7<sup>th</sup>, 2013

Mr. Miguel Angel Osorio Chong, Secretary of the Interior; Mr. Raul Cervantes Andrade, President of the Senate Committee, Ms. Gabriela del Mar Ramiez, General Secretary of the Network of National Institutions for Human Rights Protection in the Americas and Obdusman of the Bolivarian Republic of Venezuela; Ms. Angelica de la Peña Gomez, President of the Senate Human Rights Commission; Mr. Anselmo Sella, Argentina's Obdusman Office, Mr. Omar Cabezas Lacayo, Office

of the Procurator for the Protection of Human Rights of Nicaragua, Ms. Lia Limon, Under-Secretary of the interior.

Ladies and Gentlemen:

To the National Human Rights Commission it is a pleasure to be with all of you today. We have met in this occasion to open working sessions of the Seminar "Democracy and Human Rights", at Framework of the General Assembly of the Network of National Institutions for Human Rights Protection in the Americas, of the Coordinating Committee of National Human Rights Institutions.

I would like to greet the Heads of the National Institutions of America by joining us, and the representative of the CIC Head in Geneva. I appreciate the presence of the Ambassadors of Germany, the Swiss Confederation, Nigeria, Nicaragua, Panama and Argentina, as well as the head of the European Union Delegation in Mexico and representatives of Embassies of Norway, Spain, Brazil, Morocco, Italy, the United Kingdom, Guatemala, Ven-

ezuela, El Salvador, Ecuador and Colombia.

The Coordinating Committee of National Human Rights Institutions (Spanish acronym- CIC) is an organization created to enhance the creation of National Institutions, and to facilitate its collective performance. Besides, it is responsible to encourage and prove accomplishment with Paris Principles, which are minimum standards needed for Human Rights Institutions to fulfill their functions.

We are confident that defense to human dignity and to safeguard Human Rights from an universal perspective, will pave the way to its effective date, to consolidate full respect through the commitment of all.

Thank you very much, and I wish you all success!

<http://www.cndh.org.mx/sites/all/fuentes/documentos/PalabrasRPV/20131007.pdf>

## Event of the month

**The President of the National Human Rights Commission, Dr. Raul Plascencia Villaneva, participated at the XXI General Assembly of the Network of National Institutions for Human Rights Protection in the Americas**



### THE CNDH EXECUTES COOPERATION ACTIONS IN NIGERIA

**CGCP/282/13**

*October 1<sup>st</sup>, 2013*

The CNDH gave a training workshop to the National Human Rights Commission of Nigeria, on integration and complaint research by human rights violations, as well as data bases implementation to optimize reception processes, development, evaluation and complaint follow up. The aforementioned instruction is part of the CNDH's Colla-

aboration Agreement and its Nigerian counterpart, signed on February 19th, 2013 in order to take joint actions of training, educational, promotion and protection to human rights matter in both countries. The workshop took place from September 18th to the 20th, 2013, at Abuja City in Nigeria, constituting the first training action carried out by the CNDH in situ at the African Continent. International cooperation allows human rights public

organisms to multiply tasks' results and to crystallize its strategies on actions going far beyond the borders.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_282.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_282.pdf)

### IN A DEMOCRATIC NATION, TORTURE PRACTICE IS UNACCEPTABLE

**CGCP/283/13**

*October 2<sup>nd</sup>, 2013*

To a democratic nation looking for being constituted into true human rights regime, like Mexico, torture is an unacceptable practice, the latter was assured by the president of the CNDH, Raul Plascencia Villanueva. At opening of the II International Forum-Workshop "Torture Prevention through the National Mechanism and the Istanbul Protocol", the national Ombudsman poin-

ted out that the phenomenon is one of the most cruel and severe human rights violations and thus are called against humanity. He noted that the CNDH has received, along the year, one thousand 240 complaints due to torture and cruel treatment involving federal public servants of the different police organisms and of the army along the country. During his working tour in San Luis Potosi, the national Ombudsman headed General Collaboration Agreements

signing between the CNDH, State Human Rights Commission, and Legislative Power in the entity; likewise with the State Commission and state's Civil Organisms.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_283.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_283.pdf)

### SOCIETY'S INCLUSION AT THE FIGHT FOR HUMAN RIGHTS

**CGCP/284/13**

*October 3<sup>rd</sup>, 2013*

The President of the CNDH assured that any effort within human rights matter should include organized civil society, which is its main ally and essential for public life and of Mexico's development. At opening of the Seventh Regional Encounter with Civil Society 2013, the national Ombudsman stated that to the CNDH it is a priority to work coordinated with

the civil society that accomplishes with a fundamental roll in defense of human dignity. I congratulate the leaders of nearly 500 Organizations in Mexico City, the State of Mexico, Guerrero, Michoacan, Morelos, Puebla, Hidalgo and Tlaxcala, that gathered at the World Trade Center Mexiquense, because they represent the leading force turning human rights in a cultural victory in Mexico. He stated that if we want to continue improving protection and respect for human dignity,

it is essential to leave behind the paradigm placing the State as solely responsible for prevention, promotion and safeguarding of human rights, to involve citizens as social actors jointly responsible for these tasks.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_284.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_284.pdf)

## QUEJA POR UNA MUJER INDÍGENA QUE DA A LUZ EN PATIO DE HOSPITAL

### CGCP/285/13

4 de octubre, 2013

La CNDH inició una queja de oficio para investigar presuntas violaciones a derechos humanos cometidas contra una mujer indígena mazateca quien dio a luz en el patio del centro de salud de San Felipe Jalapa de Díaz, Oaxaca, porque se le negó atención médica. Visitadores adjuntos se trasladaron a ese municipio para entrevistar-se con la agraviada y sus fami-

liares, solicitar información a la autoridad estatal involucrada, recabar evidencia idónea e integrar el expediente. La CNDH ha reiterado que el derecho a la protección de la salud es un derecho elemental para las personas pertenecientes a un grupo indígena y particularmente para las mujeres en estado de gravidez. Sostiene que es necesario vigilar que las personas integrantes de comunidades indígenas tengan acceso a servicios de salud eficientes,

oportunos, gratuitos y que se cumpla con el abasto adecuado de medicamentos y de personal médico capacitado. Una vez concluida la investigación y después del análisis y la valoración de las evidencias, este Organismo nacional emitirá la determinación que conforme a derecho corresponda.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_285.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_285.pdf)

## ENTREGA CNDH AYUDA A DAMNIFICADOS

### CGCP/286/13

5 de octubre, 2013

Los Centros de Acopio organizados por la CNDH en todas sus oficinas del país, lograron reunir una importante cantidad de ayuda humanitaria que este viernes fue enviada a la población damnificada por las tormentas que azotaron al país.

Desde el 17 de septiembre y hasta el día 3 de octubre, los centros de recolección atendieron las 24 horas del día, con lo

cual se logró reunir un total de 32 mil 49 artículos de primera necesidad.

Se recolectaron 587 cajas con víveres, que este viernes fueron entregados en el depósito de víveres ubicado en la explanada del Zócalo de la Ciudad de México.

La Comisión Nacional de los Derechos Humanos agradece la valiosa colaboración de la población y la solidaridad mostrada para con nuestros hermanos en desgracia.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_286.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_286.pdf)

## REVIEW POLICIES FOR OLDER PEOPLE

### CGCP/287/13

October 6<sup>th</sup>, 2013

The National Human Rights Commission considers necessary to review policies regarding older adults in order to integrate them in activities for their benefit and of the country. Through the Program on Childhood Affairs and Family, carries out several activities in older adults benefit. Under the sphere of promotion, dissemination, defense and protection

of human rights, during 2012 conducted 152 workshops, informative conferences, seminars, round tables, in which 22 thousand 720 people participated; besides it was given out 164 thousand 269 information material. Training actions were also addressed to clinics staff and of hospitals, to which 18 thousand 178 people attended, in order to avoid improper public service, neglected medical care, denial of medicine supply, among others. Also, the National Campaign for Promotion and Dissemination of

Human Rights for Older Adults, and the Primer about Older Adults' Rights, which shows their rights and guides them on affectations, offering alternatives for the attention and resolution.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_287.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_287.pdf)

### TO EXERCISE RIGHTS BUT WITH LIMITS ESTABLISHED BY THE LEGAL FRAMEWORK

**CGCP/288/13**

*October 7<sup>th</sup>, 2013*



The president of the National Human Rights Commission took part at the International Seminar: “Twenty years from the Conference of Vienna: Democracy and Human Rights” at the framework of the XII General Assembly of the Americas Network of National Human Rights Institutions, held in Mexico

City, organized by the CNDH. Before the Secretary of the Interior, Miguel Angel Osorio Chong, who offered the opening remarks, the national Ombudsman pointed out that monitoring the respect and effective promotion to human rights defense is a continuous task in all countries. Likewise, Osorio Chong highlighted that the Government of the Mexican Republic, ensures an open and permanent dia-

logue with the civil society and international organizations in order to work with policies development allowing promoting, to guaranty and respecting human rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_288.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_288.pdf)

### THE CNDH INVESTIGATES THE ACCIDENT OCCURRED AT A SHOW IN CHIHUAHUA

**CGCP/289/13**

*October 8<sup>th</sup>, 2013*

The President of the National Human Rights Commission, began an ex officio research, due to alleged human rights violations to people who attended a show in the city of Chihuahua. According to media information, on Saturday October 5<sup>th</sup>, a van, part of an act from the “Extremo

Aero Show”, crashed against a group of viewers causing the death of some , underage among them, and an important number of people were injured. A group of assistant visitors, doctors and psychologists from the CNDH visited the scene, for file integration, as well as to provide medical care and psychological to the aggrieved and their relatives. The CNDH will

require information to involved authorities and will carry out necessary action in order to get evidences of the event, and at its moment will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_289.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_289.pdf)

### THE CNDH INVESTIGATES ALLEGED HUMAN RIGHTS VIOLATIONS TO CHILDREN AT KINDERGARTEN “CARACOLA MONTESORRI”

**CGCP/290/13**

*October 9<sup>th</sup>, 2013*



The President of the CNDH began ex officio research by the alleged human rights violation to the children studying at the kindergarten “Caraloca Montessori” by their Principal. According to media information, several children

studying at the kindergarten located at Napoles neighborhood, in Mexico City, have been victims of physical abuse and emotional by school principal. As part of investigations, a group of assistant visitors, visited the scene in order to integrate the file. The National Commission will require information to the

involved authorities and will carry out necessary actions to get evidences of the event, and at its moment will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_290.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_290.pdf)

## THE CNDH RESEARCHES ON CASE OF AN UNDERAGE ASSAULTED IN GUANAJUATO

**CGCP/291/13**

October 10<sup>th</sup>, 2013

The CNDH exercised its power to assume jurisdiction over and began research into public authorities of Guanajuato by alleged omissions at providing protection to an underage assault victim against her physical integrity. In accordance with several media information, victim was deceived by her aggressor, who once inside the car, attempted to sexually abuse her. Facing victim's refusal, without her consent took

her to Santa Rosa mountain range, in Guanajuato, where after beating her tried to asphyxiate her. This national Organism, observed that responsible authorities to safeguard the victim didn't take appropriate measures by keeping the sufferer at same place without necessary protection from her aggressor, besides that no restriction measure was issued. The CNDH reaffirms its resolute commitment for crime victims in their human rights defense, when this rights at situations attributable to authorities responsible for law

and justice enforcement are violated, by omitting victim's privacy as well as to his/her custody, guard, shield and to establish precautionary measures and to provide protection to people.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_291.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_291.pdf)

## THE CNDH INVESTIGATES ABOUT INATTENTION TO A WOMAN THAT GAVE BIRTH AT HOSPITAL'S RECEPTION

**CGCP/292/13**

October 11<sup>th</sup>, 2013

The National Human Rights Commission began ex officio complaint in order to investigate alleged human rights violations of a woman that by medical care neglect gave birth on Women Hospital's reception floor in Tehuacan, Puebla, last September. Personnel from the CNDH visited the scene to meet the woman and her rela-

tives, to require information to the hospital authorities, to gather evidences for file integration. The CNDH considers that population access to quality and warmness health services are fundamental to the contribution for the human rights consolidation in our country. Once investigations concludes and after evidences analysis and assessment, this national Organism will issue appropriate determination

pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_292.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_292.pdf)

## ABSOLUTE HOSTILITY TO THE DEATH PENALTY

**CGCP/293/13**

October 12<sup>th</sup>, 2013

During International Seminar "World Day Against Death Penalty", the CNDH reaffirmed its absolute hostility to death penalty execution, and to commitment to continue efforts to protect fundamental rights of Mexicans before foreign governments. The National Commission counts with the Program against Death Penalty of

Mexicans abroad, with which verifies that conational are provided with consular and legal assistance by the Secretariat of Foreign Affairs. Up to date, this program monitors 64 cases' procedural status of Mexicans sentenced to capital punishment, 61 in the United States of America and three in Malaysia. At Seminar, in which experts took part like Sandra L. Babcock, Head of International Center for the Human Rights, at Northwestern University,

important topics on the matter were taken.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_293.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_293.pdf)

## CNDH REQUESTS UNCONSTITUTIONALITY PROCEEDING DUE TO AN ADDENDA TO SINALOA'S CONSTITUTION

**CGCP/294/13**

*October 13<sup>th</sup>, 2013*

Last Friday October 11th, the CNDH brought to the Supreme Court of Justice of the Nation, sued by unconstitutionality proceeding due to addenda to Political Constitution of the State of Sinaloa, published last September 13th, at the Official Gazette of the State considered unconstitutional and unconventional. The National Commission impugned article 77

Bis, first paragraph of the cited provision for considering it unconstitutional and unconventional. Likewise, there were impugned articles 46, fraction XXXIV, second paragraph and 77 Bis, third paragraph of the aforementioned Constitution, by considering it unconstitutional, because allows State Congress to condition the provenance to summon authorities or public servants refusing to accept or to accomplish with a recommendation,

through "letter of acceptance". Therefore, the CNDH will follow that Supreme Court of Justice analyzes arguments written at this unconstitutionality proceeding and, in its opportunity, will declare the unenforceability of these provisions.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_294.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_294.pdf)

## TRAINING AND COMPLAINTS ATTENTION BY ASSAULTS AT SCHOOLS

**CGCP/295/13**

*October 14<sup>th</sup>, 2013*

The CNDH through its National Program to Take Down and to Eliminate School Violence intends to avoid cause damages to the pedagogical process and psychological problems to the 18 million 781 thousand 875 boys and girls studying elementary and middle school. Education and child development in

proper context are rights enshrined in the Constitution and to several international agreements ratified by our country. In article 3<sup>rd</sup> of our Constitution, it establishes all individuals' right to education and in the 4<sup>th</sup> constitutes fundamental right to a proper environment for the benefit of boys and girls fulfilling their education needs for integral develop-

ment. The National Commission highlights importance to maintain child's superior interest in all carried out activities and the undoubtable respect to his/her fundamental rights.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_295.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_295.pdf)

## PUBLIC POLICIES AND BUDGET COMMITMENT TO ENSURE HUMAN RIGHT TO WATER

**CGCP/296/13**

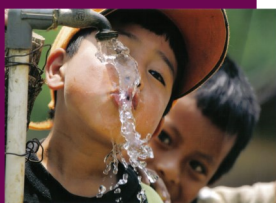
*October 15<sup>th</sup>, 2013*

El The president of the CNDH assured that to ensure effectively the exercise of human right to water, laws are insufficient, if there are not supported by public policies and budget commitments. During opening of the International Colloquium "The Human Right to Water, an International Perspective",

the national Ombudsman pointed out the huge contrasts and shortage regarding water in our country. He noted that from 2010 up to date, the CNDH has attended 49 complaints by omissions, suspensions, delays and to provision of inefficient services, in potable water, drainage system, sewage system, wastewater treatment and disposal. At the Colloquium, organized by the CNHD coordinately with the Human Rights

Commission of the State of Coahuila, it counted with the participation of experts both national and international, presenting the living situation of millions of people in the world regarding the human right to drinking water and its sanitation.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_296.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_296.pdf)



## ARBITRAL LABOUR RESOLUTION NON-COMPLIANCE BY THE PUBLIC SAFETY COUNCIL OF GUERRERO

**CGCP/297/13**

*October 16<sup>th</sup>, 2013*

The CNDH issued recommendation 38/2013, addressed to the Governor of the State of Guerrero, Angel Heladio Aguirre Rivero, by negative from the State Council of Public Safety to accomplish with the arbitral labour resolution in favor to ex-employees that began a labour trial. The Court of Conciliation and Arbitration of Guerrero issued this resolution for aggrieved ones to be paid with rightful benefits as workers, like

Christmas bonus, back wages, unpaid wages, vacation bonus, as well as 100 wage days per each service year; from which a seize was required for cited council's official account. In its efforts to non-comply with the sentence, the State Public Safety Council transferred all resources to another account, behavior which might be considered unlawful offence. Victims required the intervention of the Commission for the Human Rights Defense of the State of Guerrero, local organism that after accrediting hu-

man rights violations, issued recommendation 87/2012, by non-compliance of the arbitral labour resolution.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_297.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_297.pdf)

## THE CNDH INVESTIGATES JOURNALIST AGRESSION CASE IN CHIAPAS

**CGCP/298/13**

*October 17<sup>th</sup>, 2013*

The CNDH began ex officio research by aggressions case that a journalist and a cameraman from the show "Punto de Partida" were subject. According to published information at web page "Proceso.com.mx", Ms. Fatima Monterrosa and Mr. Victor Olvera, journalist and

cameraman from Televisa, were attacked by teachers in the road between Chiapa de Corzo and Tuxtla Gutierrez, in the State of Chiapas; by those who claimed have been filmed. At trying to keep their work equipment, Mr. Olvera was beaten, and finally stripped from his camera, besides humiliating him. On the other hand, the journalist was physically assaulted and stripped off her identification. The CNDH will

give research punctual follow up carried out from the events, will exercise its legal powers to ensure full respect and promotion to journalists' human rights and, in its moment, will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_298.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_298.pdf)

## DESPITE ADVANCES IN WOMEN'S SITUATION IT IS REQUIRED TO DOUBLE EFFORTS

**CGCP/299/13**

*October 18<sup>th</sup>, 2013*

The president of the CNDH delivered keynote lecture before academics, researchers and students, at forum's reflection group, 60 years from women's suffrage ¿How Far Do We Women Have Gotten? Conducted by the Universidad Regiomontana, where he stated increased women presence at public charges with meaningful and justified empowerment. He added, in that contrast

scenery, cultural inertia that has been privileging the masculine gender at official positions and elective public office for years should be broken, because in general, still many women suffer unfavourable conditions. At the Universidad Regiomontana, the national Ombudsman received recognition to his professional career from the municipal president of Monterrey, Margarita Alicia Arellanes; who concluded the certification program "Citizenship Participation Process for Communitarian Devel-

opment". Also carried out Collaboration Agreement signing between the CNDH and the Instituto Tecnológico y de Estudios Superiores de Monterrey, where he mentioned that at this national Organism we work to promote a culture based in legality, human rights respect and with the commitment to accomplish with Mexicans duties.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_299.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_299.pdf)

### THE CNDH INVESTIGATES INDIGENOUS WOMAN DEATH AT A HOSPITAL IN CHIAPAS

**CGCP/300/13**

*October 20<sup>th</sup>, 2013*

The CNDH, began ex officio complaint due to alleged human rights violation to an indigenous woman that died after giving birth, at the Women Hospital of Chiapas attached to the Secretariat of Health of the entity.

Assistant Visitors from this National Commission met with victim's relatives, besides gathering case evidences for file integration, and also required information to hospital's authorities and to the Prosecutor Specialized on Indigenous Justice.

The CNDH sustains importance to look after that indigenous people to have

access to efficient health care services, timely, for free and with capable medical staff. Once investigation is concluded and after evidences analysis and assessment will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_300.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_300.pdf)

### THE NATIONAL OMBUDSMAN MEETS WITH HIGH LEVEL UN OFFICIALS

**CGCP/301/13**

*October 21<sup>st</sup>, 2013*

The president of the CNDH held several working meetings with personnel from the High Commissioner UN Office for the Human Rights (Spanish acronym - OACNUDH), in order to multiply technical collaboration processes, at framework of the II Universal

Periodic Review conducted by the Human Rights UN Council, held in Geneva, Switzerland, Gianni Magazzeni and Vladlen Stefanov, heads of the divisions of America, Europe and Central Asia and head of the National Institutions and Regional Mechanisms area, respectively, expressed their interest to strengthen the internation-

al movement of National Human Rights Institutions, as a new actor at the UN structure, as well as in administrative aspects and institutional of the CIC, taking into consideration principles of transparency and accountability.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_301.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_301.pdf)

### THE MEXICAN OMBUDSMAN MEETS WITH HIGH DEPUTY COMMISSIONER FOR HUMAN RIGHTS, BEFORE THE SECOND UNIVERSAL PERIODIC REVIEW

**CGCP/302/13**

*October 22<sup>nd</sup>, 2013*

The president of the CNDH held a meeting with Mr. Flavia Pansieri, high deputy commissioner of the UN for Human Rights, before the II Universal Periodic Review (Spanish acronym-EPU), in which they agreed in regard to that international technical collaboration is of vital importance

within the universal human rights defense, the CNDH interacts in a coordinated and closely manner. This autonomous Organism takes part as National Human Rights Institution, in accordance with Paris Principles; under this character, the CNDH is the partner providing information about human rights in Mexico to the instrument of the Universal

Periodic Review. EPU's principal goal is to improve human rights situation in all UN member countries.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_302.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_302.pdf)



## BEFORE THE UN HUMAN RIGHTS COUNCIL, DR. RAUL PLASCENCIA VILLANUEVA LAYS OUT ADVANCES AND GAPS

**CGCP/303/13**

October 23<sup>rd</sup>, 2013

Before working group members of the Mechanism of the Universal Periodic Review (Spanish acronym- MEPU) from the UN Human Rights Council, the president of the CNDH recognized that in our country there have been important advances in the matter, even there's still fulfillment lack to education rights and feeding, in consequence it will

be necessary to adequate secondary legislation to modifications carried out in matter. Also he laid out the need to increase number of trained public servants within the topic, to provide better attention to girls, women, indigenous people, migrants, journalists, human rights defenders and to people with disabilities. In occasion of Mexico's Second Review by this mechanism, held at the Palacio de las Naciones, Dr. Plascencia Villanueva noted his concern about torture practices persistence. The national Ombudsman expressed the CNDH satis-

faction by cooperating with the Universal Periodic Review mechanism and stressed his confidence on that this contribution will help Human Rights UN Council deliberations.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_303.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_303.pdf)

## RECOMMENDATION ADDRESSED TO CNS BY TORTURE

**CGCP/304/13**

October 24<sup>th</sup>, 2013

The CNDH issued Recommendation 39/2013, addressed to the National Safety Commissioner, Manuel Mondragon y Kalb, by a person's torture arrested at a plain for nine hours, at Ciudad Juárez, Chihuahua, by Federal Police members, who beat him/her and burned his/her hand with a lighter.

From evidence's study and constancies gathered by this national Organism personnel, violations to human rights were accredited to legality, legal certainty, humane treatment, freedom and integrity and personal safety in victim's detriment by consistent acts on arbitrary detention, victim's custody without authorities authorization and torture.

It was qualified that the aggrieved was submitted until next day to the ministerial authorities at 1:28 hrs., which brought out the nine hours retention, hours in which the victim was inflicted with injuries, different from those caused by submission or subjection,

corroborated by experts of the Attorney General's Office in which medical opinion had determined injuries in the pinna, ribs, blister-like lesion in hand and leg, all at his/her left side, as well as in his thorax right side.

Doctors attached to the State Social Rehabilitation Center of Ciudad Juarez, as well as from this national Organism concurred regarding injuries' detections, besides medical- psychological opinion on victims maltreatment or torture, concluded that victim shows physical consequences and posttraumatic stress disorder, correlated with torture facts.

This National Commission pronounces on the incompatibility within the use of techniques providing detained people's physical and psychological damage, during crimes investigation, with the human rights respect and to principles governing authorities actions, since no congruence exists with the respect human dignity.

Recommendation can be consulted at : [www.cndh.org.mx](http://www.cndh.org.mx)

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_304.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_304.pdf)



## MAKING THE ENVIRONMENTAL TOPIC A PRIORITY TO THE NATIONAL AGENDA

**CGCP/305/13**

*October 25<sup>th</sup>, 2013*

The National Human Rights Commission urged authorities to raise mass awareness on the importance to preserve and protect the water. This national autonomous Organism sustains that to protect the Right to the Environment, and the

Right to Water is fundamental condition to enjoy all rights and it is necessary to include and prioritize in national agenda the environment issue and pass from cyclical situations to structural situations, since the actual problematic is being attended and ecology's future has been neglected. The CNDH considers that in environmental

matter, we are facing a cause of concern, there lays out the need to bid to human rights violations prevention at environmental matter and not only trying to fix them after they occurred; and in this way avoid irreversible damages

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_305.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_305.pdf)

## TO PROTECT AND GUARANTEE IMMIGRANT CHILDREN HUMAN RIGHTS

**CGCP/306/13**

*October 26<sup>th</sup>, 2013*

The National Human Rights Commission confirmed that the protection and ensure the human rights to migrant children and teenagers is a fundamental issue to be attended from the basic premise; before them being considered migrants, it is to consider them underage. The CNDH sustains that au-

thorities should consider children access conditions to their rights and to reflect on their different vulnerability situation as migrants and specifically, by their accentuated lack of protection as unaccompanied or separated migrants. Due to the latter, through the Program on Immigrants Attention of its 5<sup>th</sup> General Visitorship, the CNDH carries out continuous actions to defense and promotion of migrants' human rights,

both for those who had Mexico as country of destination, transit or return, as well as those who migrate to other country, specifically to the United States.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_306.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_306.pdf)

## JOURNALIST DETENTION IN TIJUANA FOR TAKING PICTURES TO POLICE ACCIDENT

**CGCP/307/13**

*October 27<sup>th</sup>, 2013*

The National Human Rights Commission began ex officio research for a case of alleged human rights violations supposedly incurred by elements of the Municipal Police of Tijuana, Baja California, who detained Jorge Nieto a journalist from the local television station. The jour-

nalist was detained when he was taking pictures to a vehicular accident in which a Municipal Police Patrol crashed against a fruit cart, the journalist was handcuffed and gotten into a police unit, however he fully identified himself. The CNDH punctually will monitor the events, will exercise its powers to ensure full respect and promotion of victim's human rights, it will begin corre-

spondent researches and, in due time, it will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_307.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_307.pdf)



## RECOMMENDATION DUE TO INAPPROPRIATE CARE AT HOSPITAL IN SONORA

**CGCP/308/13**

*October 28<sup>th</sup>, 2013*

The National Human Rights Commission issued Recommendation 33/2013 addressed to the governor of Sonora, Guillermo Padres Elias, due to improper medical care given to an underage at Children Hospital "Dr. Luisa Maria Godoy Olvera" of that entity.

The underage was admitted at hospital suffering moderate shortness of breath; was assisted by doctors which omitted to carry out certainty diagnosis on his/her illness.

By file analysis, the CNDH found out that health staff didn't require, timely, thorax X-ray to confirm or set aside the interstitial infiltration reported by a doctor attached to emergency department, by what

showed case's monitoring neglect, causing underage health detriment and his life loss.

Before the aforementioned, the National Human Rights Commission accredit human rights violations to health protection right, derived to medical neglect, resulting a violation to life right .

To this autonomous Organism human rights violations committed to patient's detriment were object of special consideration on account of being an underage. For that reason, in the Recommendation requires, among other things, damage repair caused to victim's relative by institution's responsibility in which incurred the Sonora's Children Hospital staff. Full content of Recommendation 33/2013 can be consulted

at this national Organism web page.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_308.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_308.pdf)

## THE CNDH INVESTIGATES DAY LABORER'S DEATH AT ENTRANCE OF GENERAL HOSPITAL IN GUAYMAS, SONORA

**CGCP/309/13**

*October 29<sup>th</sup>, 2013*

The CNDH began researches on alleged human rights violations to Mr. Jose Sanchez Carrasco , who died last Monday October 21<sup>st</sup>, at entrance of the General Hospital of Guaymas, Sonora.

According to gathered information by assistant visitors, the aggrieved, aged 38, day laborer, arrived to the hospital requesting medical care by several illnesses, however, 5 days later after wandering around the General Hospital patios, he died without receiving medical

care.

The National Commission considers health services access, to all Mexicans, with efficiency and warmth, are fundamental to contribute to strengthening human rights of the country, due to the latter, it will stay attentive to investigations development and at conclusion of evidences analysis and assessment, will issue appropriate determination pursuant to law.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_309.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_309.pdf)

## THE CNDH SUBMITS: SPECIAL REPORT ON PSYCHIATRIC HOSPITALS

**CGCP/310/13**

*October 30<sup>th</sup>, 2013*

The CNDH denounced human rights violations related to dignified treatment, legality and legal certainty of inpatients at country's Psychiatric Hospitals, important inefficiencies, deficiencies, omissions and abuses were reported. In its special report on Psychiatric Hospitals dependent to the Federal Government and of the States of the Mexican Republic, The CNDH proved that there is no accomplishment with national laws and international instruments in the matter.

Detected deficiencies also showed fulfillment failure to constitutional mandate from which the State is required to ensure access to health to all people, especially to a vulnerable group like ones who suffer physical or mental disability.

ity. The National Commission investigation confirmed human rights violations related to, dignified treatment, legality, legal certainty, among other circumstances, by improper facilities conditions; bad feeding, supply absence of clothing and footwear; outside communications' restrictions; advice's omission to Public Ministry about involuntary admissions and lack of regulations and procedures manuals. Likewise, irregularities at patient admissions and to informed consent; the lack of medical staff; provision service absence; equipment and medicines supply; insufficient safety personnel; lack of training in human rights matter. Also patients' classification non-existence; absence of amendments and adaptations for persons with physical disabilities mobility; as well as refusal to services for people with AIDS , limiting

access to health and led opposite acts to dignity, against people that suffer cited illnesses. Thus, the CNDH submits 15 proposals to the Federal Health Secretary, to 24 supervised states governors and to the head of the Mexico City Government; requiring to take correspondent measures in order to avoid any kind of abuses in detriment to inpatients at psychiatric hospitals.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_310.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_310.pdf)



## DEVELOP PUBLIC POLICIES TO PROMOTE HEALTH ACCESS TO MIGRANT POPULATION

**CGCP/311/13**

*October 31<sup>st</sup>, 2013*

The national Ombudsman, Raul Plascencia Villanueva, expressed urgency to generate public policies promoting health services access to migrant population in equality conditions and without discrimination. He cited in opening of the Forum: Migration, Health and Human Rights. The President of the CNDH stated that migratory phenomenon cannot and should not focus from public safety terms. Also it

should be included a social and economic vision, because those decided to leave his/her place of origin are only looking for a better life quality, family reunification or for violence protection. Within the Forum, Plascencia Villanueva led signing of the Collaboration Agreement between the CNDH and the National Public Health Institute, by which jointly will take over problems related to right to health of migrant population at home communities, transit and destination from a human rights perspective. At event,

different experts carried out analysis workshops on vulnerability, health risks and damages while migratory transit, as well as gender, sexuality and migration.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM\\_2013\\_311.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Comunicados/2013/COM_2013_311.pdf)



## RECOMMENDATIONS

### RECOMMENDATION 36/2013

**MATTER:** Human Rights violations case to Legal Certainty and dignified treatment of V1, Venezuelan national and to her daughter V2, underage, Mexican, as well as to lawfulness rights, equality and V2's education

**RESPONSIBLE AUTHORITIES:** Commissioner of the National Immigration Institute

1 October 1<sup>st</sup>, 2013

The National Human Rights Commission began complaint file, CNDH/5/2012/2015/Q, due to complaint submitted by V1, where points out that she and her daughter V2, aged 10, were presented to the National Immigration Institute in Comitán, Chiapas, on February 3rd, 2012, since, in the opinion of the competent authority, they could not prove their legal stay in Mexican territory, motive by what migratory files EM1 and EM2 were open.

Thereafter they were transferred to the Siglo XXI migratory station, in Tapachula, Chiapas, where migratory files EM3 and EM4 were settled.

In order to solve their migratory situation, once again they were transferred to the migratory station of the National Immigration Institute in Mexico City, where migratory files EM5 and EM6 began.

By resolutions of July 11<sup>th</sup>, 2012, early exit determination was issued to V1's favor for migratory status achievement and, regarding v2, free transit agreement was delivered, by proving their Mexican nationality.

On the other hand, on September 28<sup>th</sup>, 2012, V1 began migratory regularization process before the National Immigration Institute.

However, by facts in the file, there are no elements to demonstrate carried out investigations regarding acts committed to V1 and V2 detriment.

Now, from legal analysis carried out to evidences of cited file, this National Commission found human rights violations to legal certainty, dignified treatment, neglect to solve legal migratory status, providing inappropriate public service, as well as actions and omissions infringing human

rights of migrants and their relatives, especially to underage, to V1 and V2 detriment; and, in V2 case, violation to lawfulness right, legal certainty, to equality, and to education, by withholding protection to people, to limit child's right to be heard in all proceedings in which is involved, to infringe child's education right and by preventing access to education services.

On these bases the CNDH issued recommendation 36/2013.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_036.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_036.pdf)

**RECOMMENDATION 37/2013**

**MATTER:** Arbitrary detention, torture in detriment of 15 victims, cruel treatment in detriment of 16 victims in the State of Colima

**RESPONSIBLE AUTHORITY:** Secretary of the Navy, Attorney General Office (Spanish acronym- PGR)

*October 11<sup>th</sup>, 2013*

V1 to V31, ministerial agents attached to the Attorney General of Justice of the state of Colima, on the instructions of their then head, AR14, were summoned to cited organism headquarters' facilities in the city of Colima. Once there, the aggrieved ones, were surrounded by elements of the Navy Secretariat, those who disarmed them, and took their belongings transferring them to the VI Naval Zone in Manzanillo, Colima, where they were hand tied up with tape, blindfolded, remaining so for 48 hours, while they were beaten in different body parts and verbally aggrieved aiming to get confession of their participation at various crimes. Thereafter, they were submitted to AR16, Federal Public Minister's Office agent attached to the then Deputy Attorney General's Office for Special Investigation into Organized Crime (Spanish acronym- SIEDO) belonging to the Office of the Mexican Attorney General's (Spanish acronym – PGR), finally V2,V3,V9,V12, V13, V14, V16, V17, V18, V19, V23, V26, V27 and V30 were transferred to the Federal Center of Arraigo (type of informal detention). The National Human Rights Commission began complaint file- CNDH/2/2011/1645/Q, due

to that on February 14th, 15th, 16th, 2011, from by felonies of organized crime and against health where remained detained between 2 and 28 days, while V1, V4,V5,V6,V7,V8,V10, V11, V20,V21, V22, V24,V25,V28, V29 and V31, were released under law the same day. Therefore, and due to seriousness of facts, of which this national agency learned through various media, next February 21st, assistant visitors and doctors experts attached to this National Commission visited the facilities of the Human Rights Commission in the State of Colima aiming to meet with the released injured parties. Additionally, on the 22nd of the same month and year, the cited State Commission referred to this national Organism complaints submitted by V20, V21, V22 and V24, as well as written complaints issued by Q3, Q4, Q11, Q12, Q13, Q14, Q15, Q16, Q17, in detriment to their husbands V3, V4, V11, V12,V13, V14, V15, V16, and V17. Joined to the former, on February 23rd, 2011, were given a hearing at facilities of this National Commission to Q1,Q2,Q3,Q4,Q5,Q6,Q7,Q8, Q9, and Q10, those who submitted formal complaint by detriment to V2,V5,V3,V4,V5,V6, V7, V8,V9 and V10. For the previous, this National Commission began aforementioned complaint file and, in order to record human rights violations committed in detriment from V1 to V30, assistant visitors and experts from this national organism conducted several works to gather information, testimonies, photographs and other documentary evidence. Also required reports from the Secretariat of Navy, the Office of the Attorney

General's of the State of Colima and to the Office of the Mexican Attorney General's, jointly with the collaboration of the Secretariat of the National Defense. Now, from the legal analysis carried out to the Also required reports to the Secretariat of Navy, to the Office of the Attorney General's of the State of Colima and to the Office of the Mexican Attorney General's, and together with the collaboration of the Secretariat of the National Defense. Now, from the legal analysis conducted to evidence of the cited complaint file, the CNDH warns behaviors that constitute to human rights violations from V1 to V31 committed by AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9, AR10, AR11, AR12, AR13, AR17, and AR18 and other staff involved attached to the Secretariat of Navy, and AR16, agent of the Federal Public Ministry attached to the Specialized Unit in Investigation on Terrorism of the then PGR, regarding to lawfulness and legal certainty, liberty, integrity and personal safety, and to dignified treatment, by consistent facts on arbitrary detention, victim's custody without authorities authorization, torture, and cruel treatment. On these bases Recommendation 37/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_037.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_037.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 38/2013

**MATTER:** Impugnation appeal of Q1 and Q2 against State Public Safety Council of Guerrero

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Guerrero

*October 15<sup>th</sup>, 2013*

The National Human Rights Commission began impugnation appeal CNDH/3/2012/361/RI, due to that on April 17<sup>th</sup>, 2012, the Commission for Human Rights Defense of the State of Guerrero settled complaint lodged by Q1 and Q2, in which they expressed that the Court of Conciliation and Arbitration of that state, rendered award on their behalf at labor lawsuit 1, to condemn the Public Safety State Council of Guerrero, for former wages payment, as well as any other benefits to which workers

would be entitle; organism that has exhausted all the legal remedies available to impugn cited resolution; by what in different occasions Court personnel went to that Council in order to obtain resolution's fulfillment, without result.

Once carried out suitable investigations and evidenced violations to human rights to lawfulness, legal certainty, as well as access to justice, on September 10<sup>th</sup>, 2012, the Commission for Human Rights' Defense of the State of Guerrero, issued Recommendation 87/2012 to AR1, Executive Secretary of the Public Safety State Council.

From legal analysis of file evidences, this national Organism observed that AR1 executive secretary of the Public Safety State Council of Guerrero hasn't fulfilled with Recommendation 87/2012, issued by the Commission for Human Rights'

Defense of that federal entity, consisting in complying with the award rendered in Labor Lawsuit 1, behaviors that constitute human rights violations to lawfulness, legal certainty and access to justice.

On these bases Recommendation 38/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_038.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_038.pdf)

### RECOMMENDATION 39/2013

**MATTER:** Arbitrary detention, victim's custody without authorities' authorization, and torture in detriment to V1

**RESPONSIBLE AUTHORITIES:** National Safety Commission

*October 18<sup>th</sup>, 2013*

The National Human Rights Commission initiated complaint file CNDH/2011/7965/Q, due to that on June 26<sup>th</sup>, 2011, V1 arrested by Federal Police elements attached to the then Secretariat of Public Safety, in raid carried out at neighborhood 1, in Ciudad Juarez, Chihuahua, argue that V1 at realizing police presence adopted an evasive attitude, besides he intent to brake away and trying to get rid of a backpack. Next day, V1 was handed over to the agent of the Federal Public Ministry, head of the Sixth Research Agency, in Ciudad Juarez, Chihuahua, who began prior enquiry API, by

crime against health, in the category of marijuana possession. On June 28<sup>th</sup>, 2011, the Social Representative of the Federation exercised penal action against V1, settled prosecution cause CP1, before the Ninth District Court of the State of Chihuahua, in which was ruled imprisonment and granted released on bail. On June 28<sup>th</sup>, 2012, the Member States' courts rendered condemnatory sentence, imposing 10 months imprisonment and granted him/her substitute for sentences. Moreover, V1 at render his/her statements before prosecuting authority, with Q1 support, expressed that captors agents had beaten V1 in several parts of the body and that had burned his/hers left hand with lighter, motive for what was settled prior enquiry AP2, which, on December 30<sup>th</sup>, 2012, was sent to archive under reserve agreement. Finally by ex officio dated July 18<sup>th</sup>, 2013, the head of the complaints office of the internal audit body in the Federal Police, informed to the

head of the Unit for Human Rights' Defense belonging to the Secretariat of Interior that, regarding complaint submitted by Q1, research procedure PI1 has been initiated, which is in process. From legal analysis to complaint file evidences, this national Organism found in case, behaviors that constitute violations to human rights to lawfulness, legal certainty, dignified treatment, liberty, integrity and personal safety, in detriment to V1, with motive of consistent actions to arbitrary detention, victim's custody without authorities' authorization and torture, attributable to AR1, AR2, AR3, AR4, AR5, AR6, AR7, AR8, AR9, AR10 and AR11, Federal Police elements. On these bases Recommendation 39/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_039.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_039.pdf)

**RECOMMENDATION 40/2013**

**MATTER:** Inmates from Social Reintegration Centre of Apodaca, Nuevo León

**RESPONSIBLE AUTHORITIES:** Constitutional Governor of the State of Nuevo Leon, National Safety Commissioner of the Secretariat of Interior

October 22<sup>th</sup>, 2013

The National Human Rights Commission began complaint file CNDH/2/2012/1243Q, because on February 19<sup>th</sup>, 2012, at approximately 02:00 a.m., 37 inmates escaped at Integration Centre of Apodaca, Nuevo Leon; afterwards at 03:45 a.m. approximately, same day, a riot occurred, with result of 43 deaths (from V2 to V44), whose corpses showed skull's deep contusions, as well as secondary Hypovolemic shock to injuries by sharp or puncturing objects at neck, thorax and abdomen; it is worth to mention, that same day it was found at cell number 1428, V1 hung handcuffed with a piece of cloth in the neck at cell's bars.

Therefore, assistant visitors from the National Commission visited the cited integration center in order to gather case related information.

From complaint file evidences' legal analysis, this national Organism observed that personnel from the Integration Centre of Apodaca, Nuevo Leon violated human rights to personal safety, life, lawfulness, legal certainty, dignified treatment and to social reintegration in detriment to those inmates, whenever that at facts occurred of February 19<sup>th</sup>, 2012, they didn't fulfill efficiently with the obligation to ensure life respect, to physical integrity and mental of those, neither with the commitment to provide adequate conditions for the social reintegration, translated as to ensure to individuals personal protection by the State, by providing to him/her protection and assistance, as well as custody, protection, monitoring or to implement precautionary measures to provide safety to persons and increase their legal certainty.

Likewise, Federal Police elements, violated human rights to legal certainty, lawfulness, to integrity and personal safety, as well as to dignified treatment in detriment to the prison population by facts occurred on February 21<sup>st</sup>, 2012, at the cited prison centre, by what, as well

mentioned police elements didn't fulfill their obligation to ensure respect to physical integrity and mental for those interns at this place.

Similarly, Public Ministry agent, holder of Agency number 1 in Apodaca, Nuevo Leon violated the human right to justice access, because he didn't conduct appropriate investigation to determine that V1's death was voluntary. Likewise, it warns human rights violations to lawfulness and to legal certainty, by part of the Attorney General of Justice of the State of Nuevo Leon.

On these bases Recommendation 40/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_040.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_040.pdf)



## RECOMMENDATIONS

### RECOMMENDATION 41/2013

**MATTER:** Arbitrary detention and victim's custody without authorities' authorization of V1, V2 and child V3, torture in detriment to V1, and inhumane treatments to V2 and V3 grievance in Huatulco, Oaxaca.

**RESPONSIBLE AUTHORITY:** Secretary of Navy

*October 23<sup>rd</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2011/1086/Q, because on January 29<sup>th</sup>, 2011, received written complaint submitted by Q1, private attorney and representative of V1, at prior enquiry 1 and penal cause 1 conducted before the Fifth District Court on Federal Prosecutions of the State of Mexico, who referred that V1 together with his wife V2 and his son V3, aged 5, were detained arbitrarily by elements of the Secretariat of Navy in Huatulco, Oaxaca, on January 20<sup>th</sup>, 2011 and that V1 was not submitted to prosecuting authority until 4 days after; likewise, expressed that during his custody without

authorities' authorization, V1 suffered of maltreatments and that at his submission he was in serious state of health, derived to the multiple lesions.

Afterwards, on March 8<sup>th</sup>, 2011, V2, who also was detained and custodied without authorities' authorization, stated that on January 20<sup>th</sup>, 2011, she was on vacation in Huatulco, Oaxaca, in company with her husband V1, and her child V3 when elements of the Secretariat of Navy arrested them and maintained 4 days deprived from their liberty, time in which V2, stayed blindfolded at an unknown place. In order to appropriate file integration, personnel of the CNDH carried out field works to gather information and other documentary evidence to related motive investigation facts.

Additionally, information was required to the Secretariat of Navy and, with the collaboration of the Deputy Prosecutor of the Special Investigations on Organized Crime, and to the Deputy Prosecutor of Human Rights, Crime Prevention and Commu-

nity Services, both attached to the Attorney General's Office, to the Commissioner of the decentralized Administrative Organ on Prevention and social reintegration of the Secretariat of Public Safety and to the Fifth District Court on Federal Prosecutions in the State of Mexico.

Finally, from legal analysis carried out to complaint file evidences, this national Organism observed behaviors on behalf of the elements of the Secretariat of Navy constituting human rights violations to liberty, integrity and personal safety, dignified treatment, lawfulness, and to legal certainty by consistent facts custody without authorities' authorization to V1 and V2 and child V3 that at being detained he was 5 years old, torture in grievance to V1 and inhumane treatment in detriment to V2 and V3. By what Recommendation 41/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_041.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_041.pdf)

### RECOMMENDATION 42/2013

**MATTER:** Arbitrary detention, victim's custody without authorities' authorization, undignifying treatment, to V1 and V2 grievance

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Tabasco

*October 28<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2013/3839/Q, Because V1 AND V2, noted in general terms, that on May 21<sup>st</sup>, 2013, were deprived of their liberty in various circumstances as of manner, time and place, in the State of Tabasco, by group of people wearing hoods and armed, who took them to several places and exercised physical violence and psychological against them.

Next day, V1 and V2 were taken to the offices of the Attorney General of Justice of the State of Tabasco, where after being threaten were forced to sign ministerial declaration as persons related with the facts in presence of AR1, agent of the Public Researcher Ministry attached to the Directorate-General for Research of the aforementioned organism, in crime relation attributable to the ex-Minister of Finance and Administration of that state, within prior enquiry No. 1. Is important to highlight that from committed grievances against V1 and V2, to date it hasn't been received any statement's development or any record of prior enquiry or research procedure being initiated.

From legal analysis carried out to cited file evidences, this national Organism counted with elements

allowing evidenced transgressions to human rights to liberty, lawfulness, legal certainty, to dignified treatment; as well as to integrity and personal safety, in grievance to V1 and V2, attributable to public servants of the Attorney General of Justice of the State of Tabasco.

On these bases Recommendation 42/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_042.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_042.pdf)

**RECOMMENDATION 43/2013**

**MATTER:** Rights' violations to truth and justice access in detriment to V1 relatives, in Apodaca, Nuevo Leon

**RESPONSIBLE AUTHORITY:**

Constitutional Governor of the State of Nuevo Leon, President of the State Human Rights Commission of Nuevo Leon

*October 28<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2011/7860/Q, on September 1<sup>st</sup>, 2011 complaint was received, at this National Commission e-mail, sent by Q1, regarding occurred facts same day, in which elements of the Secretariat of Navy, entered home 1.

After being beaten several times, V1 opened the door and asked them to calm down, because he was gathered with the rest of his family; however, in response, navy elements shoot him in the head with shotguns being murdered.

Subsequently, as complaint concerns, naval staff drew out from bedrooms to V2, V3, V4, V6 and P2, V1's relatives, to whom were not allowed to get close to him. Then, an ambulance arrived to take away the body of V1, after navy elements had taken V2 to a place near victim's home, and later being released. In order to document human

rights violations, assistant visitors and experts from this national Organism carried out various field works to gather information, testimonies, photographs and other evidences.

Also, reports were required to the Secretariat of Navy, the Secretariat of National Defense, to the General Attorney's Office, and to the Attorney General of Justice of the State of Nuevo Leon.

Now, from the legal analysis conducted to complaint file evidences, this national Organism observed AR1, AR2, AR3, AR4, AR5 and AR6, staff attached to the Attorney General of Justice of the State of Nuevo Leon, behaviors constituting human rights violations relating to legal certainty, justice proxy and access and to truth, in detriment to V2, V3, V4, V5, V6, V7, V1's relatives, by facts consistent to prior enquiry integration in an irregular or poor manner, neglect practices to proceedings to delay or obstruct research function or right to justice.

Besides, warns of AR7, designer attached to the Complaints and Guidance Office of the State Human Rights Commission of Nuevo Leon, behaviors constituting human rights violations relating to justice access and to truth, to the referred victims' detriment, consistent practices to de-

lay or obstruct research function or right to justice.

On these bases Recommendation 43/2013 was issued

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_043.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_043.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 44/2013

**MATTER:** Inappropriate right to justice in detriment to V1, human rights defender, and V2, V3 and V4, crime victims and aggrieved.

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Chihuahua.

*October 28<sup>th</sup>, 2013*

The National Human Rights Commission initiated complaint file CNDH/5/2010/2852/Q, owing to that on May 16th, 2012, written of V1 was received, civil defender and member of the ONG1 association, by which she stated that from April 19th, 2012 has been conducting various forms of civil pacific protest, so judges in charge to conduct oral trial JO1, to her daughter's S2 murderer, issued maximum penalty against murderer S1.

However the aforementioned, on May 3rd, 2010, enforcement authorities handed down criminal acquittal, ordering to release S1.

On May 21st, 2010, at higher court, judgment of day 3 of that month and year was rendered and warrant of arrest was reordered for S1.

Subsequently, V1 was given to the task to look for S1, by what, on July 13th, 2010 she had knowledge about that S1 was located in Fresnillo, Zacatecas, without been arrested.

By journal notes published on December 17th, 2010 in "El Universal", "La Jornada" and "La Opcion de Chihuahua", V1 murder has been referred, occurred on December 16th, 2010, while she was conducting a pacific manifestation before the Government Palace of the city of Chihuahua, Chihuahua.

In consequence, for file integration was required to the Attorney General of the Republic, the Secretariat of Foreign Affairs, the Office of the Prosecutor-General of the State of Chihuahua, Attorney General of Justice of the State of Zacatecas, as well as Municipal Presidency of Fresnillo, a described facts report, submitting, partially addressed, required information to the first local Prosecutor's Offices.

From evidences' legal analysis of complaint file, this national Organism observed human rights violations to lawfulness, legal certainty, dignified treatment, to appropriate right to

justice, and right to the truth, to V1's detriment, human rights defender, and V2, V3 and V4, as crime victims and aggrieved, resulting from irregularities attributable to public servants of then Attorney General of Justice of the State of Chihuahua and the Office of the Prosecutor-General of that State.

On these bases Recommendation 44/2013 was issued.

[fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_044.pdf](#)

**RECOMMENDATION 45/2013**

**MATTER:** Violence in detriment to V1, underage, at high school of the Universidad Autonoma de Mexico.

**RESPONSIBLE AUTHORITY:** Rector of the Universidad Autonoma de Mexico

*October 29<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/1/2013/3524/Q, because of that approximately at 11:00 p.m. on April 26<sup>th</sup>, 2013, V1 together with other students, entered a classroom aiming that AR1, head of the subject of physics shall give them first round of exams results. At the end of the meeting, V1 asked AR1 about her exam results, and of the question mark written in her exam. AR1 asked her if she would agree with what he proposed. Facing this, V1 asked him to explain it written, then AR1 wrote in some sheets of paper "kisses in the chest, if you like without milk"; at that moment the teacher started laughing, and once again wrote "kisses, chest". V1, facing that behavior, wrote in same sheet, "when", to what AR1 wrote back, on Wednesday and indicating that he will grade her with an 8 or maybe with a ten. Subsequently, AR1 touched V1 in the arm at elbow's level and as noted by victim, AR1 brushed her left

breast and gliding his hand all the way down to her waist, while asking her if she will accept his request. Fronting the situation, V1 took the sheets and tried to get out of the classroom among keeping resistance, while AR1 tried to stop her by embracing her and holding her by the neck with his hand, at same time that he was trying to grab the exams. At this moment victim started to shout, to which T1, T2, y T3 helped her. V1 went to the Legal Office belonging to the Advocate General's Office attached to the institution, where after integrating exams as evidences and the videos taken by classmates and in order to tell what happened, she was taken to the medical service. Due to aforementioned, on same April 26<sup>th</sup>, 2013, Q1 submitted complaint file before the Central Investigations Attorney's Office on Sexual Crimes of the Mexico City Attorney's Office, where was initiated prior enquiry no. 1, which on May 4<sup>th</sup> same year, was submitted, by competency reasons to the Attorney General of the Republic, lodged as Prior Enquiry No. 2, investigation that at date of pronouncement is still at integration. Coupled thereto, and derived to V1 and other witnesses hearings, on April 29<sup>th</sup>, 2013, University Principal started Administrative Investigation Process S/N (without number), against Ar1, in which on

May 14<sup>th</sup> this year, was resolved to terminate professor's working contract, by accrediting facts on offenses to integrity, consistent on sexual harassment at workplace, within working hours against V1; however, it was not submitted any record regarding the Office of the Advocate General, that gave facts sight to the Audit office of the Institution. Now, from legal analysis carried out to file evidences, this national Organism observed human rights violations to honesty and personal safety, to social development and education; as well as to child best interest, in detriment to V1, underage, by professor AR1. On these bases Recommendation 45/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_045.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_045.pdf)

## RECOMMENDATIONS

### RECOMMENDATION 46/2013

**MATTER:** Inappropriate medical care to V1, and V2 loss life, at Hospital General zone 2 belonging to the National Institute of Social Security, in Tuxtla Gutiérrez, Chiapas.

**Responsible Authority:**

General Director of the National Institute of Social Security.

*October 29<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/5/2012/8358/Q, because on August 27<sup>th</sup>, 2012, V1, woman aged 28 with 40.4 pregnancy weeks, presented pain and bleeding, by what she went to the Hospital General de Zona no. 2 from the National Institute of Social Security in Tuxtla Gutiérrez, Chiapas, where she was assessed by AR1, AR2, AR3, AR4 and AR5, doctors attached to Emergencies and Gynecology services, those who omitted diagnose the presented clinical profile of obstetric emergency, causing fetal

death to V2. Before this situation, on September 5<sup>th</sup>, 2012, P1, V1's husband submitted complaint before the National Institute of Social Security, by what file AD1 was opened, in which, on February 7<sup>th</sup>, 2013, the Bipartite Commission for rightful claimants' attention from the Technical Council of that Institution, ordered to give sight to Internal Control Organ at that Delegation's Government body in the State of Chiapas, in order to initiate administrative process on responsibility against public servants involved in case. On June 25<sup>th</sup>, 2013, The Complaint Attention Coordination of the National Institute of Social Security received compensation requirement of V1, and was turned over to the Bipartite Commission for Rightful Claimants' attention from the Technical Council of the National Institution of Social Security, opening file AD2, petition that on August 1st, same year stated applicable, besides ordering to give facts' sight to the

Internal Control Organ of the State Delegation of that Institute in Chiapas. To date from this Recommendation's issue, there's no proof to spot if any administrative investigation procedure has been initiated, as well as prior enquiry related with facts, pronouncement's matter. From file evidences' legal analysis, this national Organism observed human rights violations to V1's health protection, and to life of V2, attributable to AR1, AR2, AR3, AR4 and AR5, medical personnel attached to the Hospital General de Zona número 2, from the National Institute of Social Security in Tuxtla, Gutiérrez, Chiapas, consistent in medical neglect and omitting to provide medical care. On these bases Recommendation 46/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_046.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_046.pdf)

### RECOMMENDATION 47/2013

**MATTER:** Right violation to non-discrimination by lack of measure taking to ensured public transport service access to person with disabilities, in detriment to V1 and V2, in Tabasco, Zacatecas.

**RESPONSIBLE AUTHORITY:**

Secretary of Communications and Transports.

*October 29<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2013/1646/Q, due to complaint filed before The Human Rights Commission of the State of Zacatecas, being submitted to this national Organism on February 11<sup>th</sup>, 2013, in which V1 stated that, as well as V2, to be persons with audition disability, and that on January 19<sup>th</sup>, 2013, at box office of

company 1, passenger federal transport concessionaire, in the city of Zacatecas, Zacatecas, in which both bought one way tickets to Tabasco municipality in Zacatecas, and that were given a 50% discount from the total purchase; however, on the 21<sup>st</sup> of same month and year, personnel of same company office at Tabasco municipality, didn't provide them with discount even though they requested it and showed their credentials of the State Commission for People with Disabilities Social Integration of Zacatecas. From issued date of this recommendation there's no administrative process initiation acknowledgement to avoid recurrences of this type of actions. From legal analysis carried out to complaint file evidences, this national Organism observed violations attributable to AR1, head of the Direc-

torate-General of the General Transport of the Secretariat of Communications and Transports, to non-discrimination human right, in detriment to V1 and V2, by lack of measure to ensure public transport service access consistent in carrying out necessary agreements with aforementioned service concessionaries, as stated at article 19th, fraction V of the General Law for Inclusion of People with Disabilities . On these bases recommendation 47/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_047.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_047.pdf)

## RECOMMENDATION 48/2013

**MATTER:** Rights' violations to personal integrity, sexual freedom, education, healthy development, dignified treatment, legal certainty in detriment to children V1 and V2 at elementary school 1, in Mexico City.

**RESPONSIBLE AUTHORITY:** Secretary of Public Education.

*October 29<sup>th</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2012/231/Q, due to on November 7<sup>th</sup>, 2011, elements from the Secretariat of Public Safety of Mexico City, were nearby the elementary school 1, when Q2 reached them and indicated that AR1, English teacher of the cited school, conducted alleged fondling against his son V2, being his student and part of 2<sup>o</sup>A class. By the aforementioned, and owing to Q2 pointed out about facts occurred facing family parents, reason by what the public order was altered, AR1 was arrested, by alleged fondling, denounced by Q2 against his son V2, motive by what the agent from the Public Ministry from the Attorney General of Justice of this State, opened prior enquiry 1 and same day ordered to submit cited file to the Attorney General of the Republic, AR1 been made available to that social representation, where research was registered as prior enquiry number 2. Next day, November 8<sup>th</sup>, 2011, the agent of the Federal Public Ministry issued non-detention

agreement against AR1 by absence of flagrante delicto, derived of prior enquiry 1 and of not being serious crime in accordance to article 194 of the Federal Penal Procedures Code. On November 9<sup>th</sup>, Q1 submitted complaint filed against AR1 by alleged sexual harassment to his son V1 before the agent of the Federal Public Ministry, within prior enquiry 2. On December 26<sup>th</sup>, 2011 instituted criminal proceedings within prior enquiry 2 against AR1, as probable responsible of aggravated sexual harassment and corruption of minors, lodged for reorganization proceeding before the Fourth District Court on Federal Prosecutions of Mexico City, as criminal case 1, who refused to issue warrant of arrest against AR1, only with regard to the crime of corruption of minors. However, agent of the Federal Public Ministry lodged an appeal timely and in form, knowing thereof by the Fifth Unified Criminal Court of the First Circuit, under criminal law 1, who confirmed warrant of arrest release refusal against AR1. Furthermore, the Internal Organism of Control in the Federal Administration of Education Services in Mexico City, began administrative procedure 1, which as from recommendation's issued date, is still being integrated. Now, From legal analysis carried out to evidences of complaint file, this national Organism observed human rights violations to sexual freedom, personal integrity, dignified treatment, education, development and legal certainty in detriment to children V1

and V2 by facts consistent in violating their sexual freedom, cruel treatment, inhumane or humiliating, to deprive children from continuous care, omission to safeguarding, monitoring, protection, to establish security measures to persons, to inappropriate provision of education service and to omit providing quality education, attributable to personnel of the Secretariat of Public Education. On these bases Recommendation 48/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_048.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_048.pdf)

## RECOMENDACIONES

## RECOMMENDATION 49/2013

**MATTER:** Search without authorities' authorization, excessive use of force and life deprivation of V1, as well as arbitrary detention, victim's custody without authorities' authorization, humiliating treatment in detriment to V2, at Metepec Municipality in the State of Mexico.

**RESPONSIBLE AUTHORITY:** National Safety Commissioner.

October 29<sup>th</sup>, 2013

the National Human Rights Commission began complaint file CNDH/1/2010/3158/Q, because of that approximately at 22:30hrs, on April 26<sup>th</sup>, 2010, V2 was travelling on vehicle of company T1, at the street State of Mexico, in Metepec Municipality, of the cited entity, when elements of the Federal Police, belonging to the then Secretariat of Public Safety, stopped them. Federal policemen checked the vehicle and interrogate them regarding how they got a "badge". To what V2 replied that a Motorcycles Confederation granted him that badge; However, policemen indicated him that it was faked and therefore he should be submitted to the prosecuting authority; by what, was transferred in an official van while another person drove his car. During his transferred, as stated by V2, two elements of the Federal Police beat him with their fists in face and head, while had been questioned regarding his occupation; subsequently, was taken to a wasteland where they continued beating him and had tied by his extremities and they put a cloth in his nose, in which they poured water, while he felt asphyxiate; additionally, also he stressed that had been slapped. The cited public servants continued questioning him on the origin of the "badge", to which he respond that he will take them with the person that granted it to him, this is, with V1. Later on AR1, AR2, AR3, AR4, AR5, AR6 and AR7, elements of the Secretariat of Public Safety, without

search warrant got into V1's home, of whom later on was known was deprived of his life, consequence of various shots. Also, V2 was obliged to put bullets into a shotgun and shot thereof in the cited house. At 14:30 hrs. of April 27th, 2010, V2 was submitted to the current agent of the federal Public Prosecutor Office of the delegation of the Attorney General Office of the Republic at Toluca, State of Mexico, by the first six aforementioned elements. With motive of deprivation of V1's life, that same day the agent of common jurisdiction's Public Ministry in Metepec, State of Mexico, started Criminal Note no. 1, accumulated to the Prior Enquiry no. 1, opened by agent of the Federal Public Ministry of the Second Research Agency in Toluca, derived from V2 submission, by crime of bearing weapons and resulting. From carried out procedures within the cited research was observed that events didn't happened as referred by the elements of the Federal Police; motive of V2's released and that on July 23rd, 2010, the agent of the Federal Public Ministry, attached to the Second Research Agency in Toluca, State of Mexico, within the Prior Enquiry no. 1, determined to change legal status of the cited public servants, from being witnesses to suspects, as well from another more (AR7), of which, subsequently it was learned about that the day that facts occurred was wounded; and was transferred to the hospital and not giving notification about event. On April 19th, 2011, instituted criminal proceedings without detainee against AR1, AR2, AR3, AR4, AR5, AR6 and AR7, holding for judgment Prior Enquiry no.1, as Criminal Case no. 1, before the Fifth District Court on Federal Prosecutions of the State of Mexico, by aggravated offences of homicide and offences against justice; however, next day the judicial authority refused to release required warrant of arrest. As a result, the agent of the federal Public Prosecutor's Office attached to the Fifth District Court on Fed-

eral Prosecutions of the State of Mexico lodged an appeal, which filed at the First Unified Criminal Court of the Second Circuit, under Legal File no. 1, in which on December 20th, 2012, was determined to revoke resolution issued by the aforementioned judge and give warrant of arrest against AR1, AR2, AR3, AR4, AR5, AR6 and AR7, by their probable responsibility on crimes commission of homicide and offences against justice. Those warrants of arrest, according to information sent to this National Commission, have been executed only to AR2, AR4 y AR7, those who on January 9th this year were ordered to imprisonment. Is important to precise, that by ex-officio no. OIC/PF/AQ/6501/2013, of September 5th, 2013, the head of the Complaint office of the internal control Organ of the Federal Police, informed that with motive of facts occurred in detriment to V2 initiated research file no. 1, which was turned to the Responsibility area of the cited internal organ, in which was registered as Investigation File No. 2 staying in evidence fulfillment period. Besides, at this national Organism has not been received documentation in which arrest execution against AR1, AR3, AR5 and AR6 has been confirmed. Now, from legal analysis carried out to the cited file, this national Organism observed human rights violation to life in detriment to V1; freedom, physical integrity and personal safety of V2. Likely, were violated rights to dignified treatment, lawfulness, legal certainty, as well as presumption of innocence, honor and good name, in grievance to V1 and V2; attributable to AR1, AR2, AR3, AR4, AR5, AR6 and AR7, elements of the Federal Police, belonging to the then Secretariat of Federal Public Safety. On these bases Recommendation 49/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_049.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_049.pdf)

## RECOMMENDATION 50/2013

**MATTER:** Arbitrary detention, acts of nuisance and undue inspections, in detriment to Civil Airports users.

**Responsible Authority:** National Safety Commissioner of the Secretariat of Interior

*October 3<sup>rd</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2013/5262/Q, and its accumulated CNDH/2/2013/3214/Q y CNDH/2/2013/577/Q, because on July 10<sup>th</sup>, 2013, the President of the CNDH agreed ex-officio opening of first provided file, because it was learned about facts of actions conducted by elements of the Federal Police (Spanish acronym-PF), consistent in arbitrary body searches to users and passengers of various airports of the Mexican Republic, damaging their human rights to dignified treatment, privacy and personal integrity, lawfulness and legal certainty. Also, on December 20<sup>th</sup>, 2012 complaint submitted by V1 and V2, was received at this National Commission, because they stated that on December 17<sup>th</sup>, 2012, they were at the International Airport of Cancun, Quintana Roo, just few minute to board a flight to Panama, Panama, when were detained by elements of the Tax Administration Service Customs at aforementioned airport, due to the amount of money they were carrying, and that they only filled out the form "Statement of cash-at Passenger Departure", without filling out the diverse "Statement of Internment and withdrawal of cash amounts or notes receivable" impeding them to board the flight. By such situation, Airport customs elements took V1 and V2 to their airport offices, where they were interrogated in about those resources origins. In the same Complaint V1 and V2 stated that, at being

that they caused some felony, they released them, requiring them to fill out form "Statement of Internment and withdrawal of cash amounts or notes receivable". By this reason, V1 and V2 missed the flight to Panama. On December 18<sup>th</sup>, 2012, after aforementioned setback, V1 and V2 were to get on board a flight to the City of Panama, at as getting to the boarding gate, they realized that the customs' public servants, who impeded them to board their flight the day before, were at the check point, although this time they were accompanied by elements of the PF. At their inspection turns, V1 and V2 showed their belongings and facilitated their customs statements. By aforementioned, this autonomous Organism began file CNDH/2/2013/577/Q, and finding in its content facts closely connected with those that have been investigated at file CNDH/2/2013/5262/Q, being accumulated the first one with the second one. Furthermore, on April 12<sup>th</sup>, 2013, at this national Organism was received complaint file submitted by V3, user of the International Airport of Tijuana, at the State of Baja California, who stated that by working motives and personal travels frequently around the country, and in several occasions at arriving to the airport of Tijuana, PF elements and from the SEGOB had been practicing excessive searches to his luggage and to himself, touching his body, shoulders, arms, back, legs and chest, requesting to remove his shoes, and asking about his personal issues in an intimidating modus. As in V3's complaint, aforementioned checking were carried out just after passed through searches filters in the airport where he came from and that his luggage had been searched by airport's detection equipment of Tijuana, in consequence he considered those practices unnecessary and excessive. Due to the afore-

mentioned, this National Commission began complaint file CNDH/2/2013/3214/Q, which, through agreement dated August 30<sup>th</sup>, 2013 was accumulated to CNDH/2/2013/5262/Q, to open this Recommendation, at refer both files to be closely connected to facts. In order to gather information about human rights violations, assistant visitors and experts from this national Organism carried out various field works to gather testimonies and documentaries. In order to gather information about human rights violations, assistant visitors and experts from this national Organism carried out various field works to gather testimonies and documentaries. Besides, information has been requested to the National Safety Commission of the Secretariat of the Interior, to the Secretariat of the National Defense, to the Tax Administration Service of the Secretariat of the Treasury and Public Credit, to the Attorney General's Office and with collaboration of the Secretariat of Communications and Transport. From legal analysis carried out to the evidences of the accumulated complaint files, were observed human rights violations to freedom, lawfulness, legal certainty, privacy and personal integrity, as well as dignified treatment, in detriment to V1, V2, V3 and to various users of civil airports in the Mexican Republic, with motive of consistent facts with victim's custody without authorities authorization, acts of nuisance to freedom of transit and arbitrary body search or to thereof users' belongings, attributable to the Federal Police of the Secretariat of the Interior elements, attached to the different airports in national territory. On these bases Recommendation 50/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_050.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_050.pdf)



## RECOMMENDATIONS

### RECOMMENDATION 51/2013

**MATTER:** Rights violation to personal integrity, sexual freedom, education and healthy development in detriment to the girls V1, V2 and V3 at elementary school 1 in Mexico City.

**RESPONSIBLE AUTHORITY:** Secretary of Public Education.

*October 31<sup>st</sup>, 2013*

The National Human Rights Commission began compliant file CNDH/2/2011/8860/Q, because on October 7<sup>th</sup>, 2011, Q1, mother of underage girl V1, aged 9 at facts' moment, and student of fourth grade, submitted a complaint at the Human Rights Commission of Mexico City by human rights violations of her underage daughter, that occurred at elementary school 1 facilities, at Venustiano Carranza Delegation in Mexico City, which was remitted, by power reasons, to this public Organism. In the aforementioned complaint, Q1 stated that on October 5<sup>th</sup>, 2011, her daughter V1 told her that during school year 2010-2011, AR1, her 4<sup>th</sup> grade professor, sev-

eral times abused her sexually, however, she didn't say anything because was afraid to be punished. Also, Q1 stated that she talked to AR2, principal of the elementary school 1, who said that she knew about the occurred, that she will conduct investigations and will initiate an official report in order to suspend AR1, nevertheless Q1 insisted in that it was a crime. For that reason, on October 7<sup>th</sup>, 2011, Q1 proceeded to report such acts, before the Specialized Agency on Sexual Crimes of the Attorney General's Office of Mexico City, by what was opened prior enquiry 1. In same date, V1 pointed out, she once again talked with AR2, who inform her that AR1 didn't came back to work, situation that, in Q1 opinion, being a wilful attitude by that public servant, by letting know to AR1 about the case against him, that allowed him to evade his responsibility. Besides, Q1 noted at her complaint being notified by other mothers, that her daughter's sexual harassment case wasn't the only one, situation verified

while analysis of file integration, otherwise this National Commission got evidences related to V2 and V3 case, both aged 9, at facts carried out, by behaviors consistent in sexual harassment by AR1 at elementary school 1. From legal analysis carried out to evidences of the aforementioned complaint file, this national Organism observed human rights violations to sexual freedom, personal integrity, dignified treatment, education, healthy development in detriment to girls V1, V2 and V3, by facts consistent on violating their sexual freedom, rough treatment, depriving girls from continuous care, to omit to monitor, protect, to establish security measures to persons and to provide inappropriate education service, attributable to the personnel of the Secretariat of Public Education. On these bases Recommendation 51/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_051.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_051.pdf)

### RECOMMENDATION 52/2013

**MATTER:** Victim's custody without authorities authorization in detriment to V1, V2, V3, V4, V5, V6, V7 and V8, and torture to V1, in Boca del Rio, Veracruz

**RESPONSIBLE AUTHORITY:** Secretary of Navy

*October 31<sup>st</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2011/6229/Q, because on July 7<sup>th</sup>, 2011, the State Human Rights Commission of Veracruz sent to this National Commission, written complaint submitted by Q1 on June 29<sup>th</sup>, 2011, in which denounced that on the 16<sup>th</sup>, same month and year, elements of the Secretariat of Navy detained V1 at the facilities of the

reintegration centre 1, in Boca del Rio, Veracruz, to whom they beaten and sexually abused. Additionally, was pointed out that V2, V3, V4, V5, V6, V7 and V8 were also detained by referred Navy elements. With motive of the aforementioned, on July 14<sup>th</sup>, 2011, this National Commission was initiated the cited complaint file to document human rights violations, assistant visitors and experts from the national Organism carried out various investigations. As well, the reports were required to the involved authorities. Now, from legal analysis conducted to the referred complaint file evidences, and to its accumulated, this national Organism will give sight to the General Visitorship of the Attorney General's Office, in or-

der to investigate aforementioned omissions incurred by official medical expert attached to the cited Attorney. Finally, it must be specified that even if it's true, that one of the solutions provided by the Mexican legal system to reach damage repair derived by the professional responsibility consistent in bring up complaint before the corresponding enforcement authorities, as well as it is at the non-judicial system to human rights protection. On these bases Recommendation 52/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_052.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_052.pdf)

**RECOMMENDATION 53/2013**

**MATTER:** Arbitrary detention to V1, V2 and boy V3, victim's custody without authorities' authorization, and torture in detriment of V1 and V2 and cruel treatment against V3, in Xalapa, Veracruz.

**RESPONSIBLE AUTHORITIES:** Secretary of Navy, General Attorney of the Republic

*October 31<sup>st</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/2011/9803/Q, on November 9<sup>th</sup>, 2011 it was received a written complaint issued by Q1, who showed off himself as federal public defender and representative of V1 at criminal case 1, instructed by the Second District Court on Federal Prosecutions in the state of Veracruz, where he referred when V1 gave draft declaration on October 8<sup>th</sup> same year, pointed out that on September 14<sup>th</sup> same year, elements of the Secretariat of Navy deprived him from his liberty together with V2 for 21 days and that, during this period he received maltreatment.

Subsequently, on November 18<sup>th</sup>, 2011, this autonomous Organism received written complaint submitted by Q1, who also represents V2 at criminal case 1 issued before the Second

District Court on Federal Prosecutions in the state of Veracruz, while his draft declaration stressed that elements of the Secretariat of Navy deprived her from her liberty for 21 days, together with V1, during this period of time she stayed blindfolded at unknown place, receiving hits with a bat at gluteal, legs, stomach and head; likewise stated she received hits in the vagina, and with tweezers pulled her nipples. The latter elements started with file CNDH/2/2011/10206/Q.

Regarding the boy, V3, was detained together with his mother and given back hours later to his relatives, nevertheless this situation doesn't hampered the National Commission to state its position in regard their rights violations.

On October 31<sup>st</sup>, 2012, there was an agreed file CNDH/2/2011/10206/Q accumulation, with file CNDH/2/2011/9803/Q, by reasons of reported events interact closely.

Thereby, it was requested a report from the involved authorities. From legal analysis conducted to accumulated complaint file evidences, were found behaviors by elements of the Secretariat of the Navy constituting violations to human rights to freedom, integrity and personal safe-

ty, dignified treatment, lawfulness and to legal certainty, by facts consistent in arbitrary detention of V1, V2 and V3, victim's custody without authorities' authorization and torture in detriment to V1 and V2, and cruel treatment against V3.

On these bases Recommendation 53/2013 was issued, in which it was requested to proceed with the damages repair caused to V1 and V2 and to issue instructions to whom it may concern, to continue efforts by providing necessary medical care and psychological for victims' emotional health recovery, and to provide to this National Commission evidences establishing its accomplishment.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_053.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_053.pdf)

## RECOMMENDATIONS

## RECOMMENDATION 54/2013

**MATTER:** Impugnation appeal of V1 and V2

**RESPONSIBLE AUTHORITY:** Constitutional Governor of the State of Sonora.

*October 31<sup>st</sup>, 2013*

The National Human Rights Commission began accumulated complaint file CNDH/2/2011/296/RI, because on March 18<sup>th</sup>, 2011, V1, it was submitted at the State Human Rights Commission of Sonora, written complaint in which stated she worked as house-keeper and that lived at the government house of the state of Sonora, and on March 13<sup>th</sup>, 2011 was accused of stealing a suitcase with money, locking her up in her room until next day, when safety elements handcuffed her and transferred the victim to State Research Police facilities, where was interrogated, beaten and insulted. And retained until March 17<sup>th</sup>, when at approximately 23:00 p.m. was submitted to the Offices of the Public Ministry, where showed her a writ signed by ARI, executive coordinator of Safety of the State Executive, who pointed out that on March 14<sup>th</sup> early morning, V1 was seen going out of her room carrying a package with suspicious behavior, reason why she was searched and found 10 thousand pesos in cash; subsequently, ministerial statement was taken and she was released on the 18<sup>th</sup>. same month at 00.40 hours. Later on, on April 30<sup>th</sup>, 2011, V1 submitted another writ before the local organism, in which was manifested that on the 5<sup>th</sup>, same month and year, was arrested once again by the elements of the State Research Police, who transferred her to their facilities, hitting her, and they put bandages all over her face, involved in a blanket,

fastened her hands, kicked her and poured water over her face in order to provoke suffocation, while interrogating her about the money robbed. Afterwards, they took her to the facilities of the Attorney General of Justice of the State and stated that she was under precautionary measure of arraigo (type of informal detention), after that was taken back to the facilities of the Police, where once again suffered maltreatment. After the aforementioned was transferred to the Hotel 1, where she stayed as detained. It was initiated, at the local human rights organism, file CEDH/1/22/0529/2011. However, on September 14<sup>th</sup>, 2011 was received at this National Commission writ signed by P1, P2, P3, P4, P5, P6 and P7, the then federal deputies of the State of Sonora, those who required complaint's attraction issued by V1, pointing out lack of activity by the local organism within the investigation. However, on August 1<sup>st</sup>, 2011, the State Human Rights Commission of Sonora closed V1's complaint file, arguing that at the same weren't justified maximized attempted and practice action against those alleged responsible. V1 learned of aforementioned resolution until November 5<sup>th</sup>, 2011, when personnel from this National Commission informed her, by reason of that lodged file at the cited State Commission was submitted to this national Organism. In this regard, on December 7<sup>th</sup>, 2011, V1 submitted impugnation appeal against the State Human Rights Commission before this national Organism. Furthermore, on April 8<sup>th</sup>, 2011, P8, wife of V2, issued complaint to the State Human Rights Commission of Sonora in which stated that V2 was working as agent of the State Research Police, and that on April 5<sup>th</sup>, 2011 had been arrested and tortured by his partners by rob-

bery reasons carried out at the Government House. With this intention, at the aforementioned state organism it was initiated complaint file CEDH/1/22/01/0653/2011. However, on March 13<sup>th</sup>, 2012 in the National Commission was received the writ issued by V2, who narrate the foregoing, and besides, in one occasion, personnel of the state organism informed his mother that the file was lost, in consequence the aggrieved had to require to this national Organism to investigate about what happened to his case. Thereby was lodged file CNDH/2/2012/98/RQ at this national Organism. On May 7<sup>th</sup>, 2012, SP5, the then first general visitor of that state organism, agreed to close file CEDH/1/22/01/0653/2011 by lack of complainant interest. On February 13<sup>th</sup>, 2013, V2 after learning about the cited conclusion, submitted to this National Commission an impugnation appeal, by what file CNDH/2/2012/91/RI was lodged, accumulated, by agreement of May 17<sup>th</sup>, 2013, to diverse CNDH/2/2011/296/RI, whenever facts interact closely.

On these bases Recommendation 54/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_054.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_054.pdf)

**RECOMMENDATION 55/2013**

**MATTER:** Rights violations to personal integrity, sexual freedom, education, healthy development, dignified treatment and legal certainty in detriment to V1, student of the Centro de Bachillerato 1 in the State of Tamaulipas.

**RESPONSIBLE AUTHORITY:** Secretary of Public Education

*October 31<sup>st</sup>, 2013*

The National Human Rights Commission began complaint file CNDH/2/5121/Q, on May 11<sup>th</sup>, 2012, Q1, it was submitted a complaint file to the State Human Rights Commission of the State of Tamaulipas which was remitted by powers reasons, to this national Organism on the 15th, same month and year, by facts violating human rights in detriment to his son V1, who was 17 years old and was a student at the Centro de Bachillerato 1, in Nuevo Laredo, Tamaulipas, in which stated that in the occasion of the National Congress of Art and Culture, on April 22<sup>nd</sup>, 2012,

his son V1 travelled to Ciudad Victoria, Tamaulipas, together with other students and a group of teachers of the school.

Q1 also noted, that on April 24<sup>th</sup>, same year, received a phone call from SP2, teacher of the Centro de Bachillerato 1, who told him that his son V1 had been touched in his "private parts" by AR1, from administrative staff of that school, who worked in that period as receptionist at the Principal's office, commissioned to the office of culture promotion, who attended the National Congress of Art and Culture as responsible for the group representing the Centro de Bachillerato 1. In order to document human rights violations, assistant visitors and experts from this national Organism, carried out various field works to gathered testimonies and documents.

Now, from legal analysis conducted to the referred complaint file evidences, this national Organism observed human rights

violations to sexual freedom, personal integrity, dignified treatment, education, development and legal certainty in detriment to by the then underage V1, by facts consistent in violating his sexual freedom, deprive an underage of continues care, to omit custody, monitor, protect, to establish safety measures to persons and provide inappropriate education service, attributable to personnel of the Secretariat of Public Education.

On these bases Recommendation 55/2013 was issued.

[http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC\\_2013\\_055\\_1.pdf](http://www.cndh.org.mx/sites/all/fuentes/documentos/Recomendaciones/2013/REC_2013_055_1.pdf)

## ARTICLE OF THE MONTH

### The “arraigo” (type of informal detention) discredit; Mexico at human right; matter

In spite of the advice provided by the UN, the Mexican legal system seems to prefer to keep these and other illegal practices.

Written by Surya Palacios  
October 31st, 2013

The Inter-American Court of Human Rights has pointed out that the figure of the “arraigo” contradicts the right to judicial protection (darkroom/ archive).

The most important, Surya Palacios says that Mexico needs to transform some legal precepts violating fundamental rights. The figure of the arraigo violates the right to personal freedom, points out: Mexico has received recommendations in order to eliminate the figure of the arraigo.

(CNNMexico)= Reiterate recommendations that Mexico has received in Human Rights Matter on behalf of the UN Council specialized in the matter, evidences urgency to transform the legal system of the country.

Among those points, emerged after the Universal Periodic Review to which Mexico had been available last week, highlights the need to eradicate discrimination against women, protection to journalists and fundamental rights defendants and to take measures against enforced disappearance, and human trafficking.

Besides, Mexico was required to confirm various international instruments and to change its legislature.

Within figures as the arraigo, being considered human rights violations.

From my perspective, a more viable solution to improve within the matter is reforming the Constitution, and to include reasonable certainty and precise fundamental rights catalogue part of the American Convention on Human Rights.

This would be the basic text amendments that does not rendered to the interpretation, so that decisions are not repeated like those taken last September by the Supreme Court of Justice (Spanish acronym-SCJN), which issued a mandatory legal criteria with which human rights are limited contained in international treaties, in case these contradict the Mexican Constitution.

In my opinion, only Mexico legislative changes could take into account and meet recommendations of the UN, fully.

An example of this is the root, which was incorporated into the Mexican constitution in penal reform of 2008, although it is inconsistent with Articles 7.5, 8.2 and 22.1 of the American Convention on Human Rights, for with the measure violates right to personal liberty and presumption of innocence, and the right of movement and residence.

In practice, this means that in Mexico, the authority before having enough evidence to accuse a person of having committed a crime, can stop and keep deprived of his/her liberty, even in cases where the crime evidence or suspicions fail is to be proved.

Thereof applies to Article 21 of the Constitution, in its eight paragraph, allowing the Mexican government to ignore, if it so desired, jurisdiction of the International Criminal Court, which violent Vienna Convention on Right of Treaties, and of course thereof of Rome Statute created by ICC.

Although Mexico hitherto has not unknown the International Criminal Court, the possibility is real that the country refuses to be judged in that court, if are committed crimes against humanity, including genocide, mass rape, slavery or forced disappearance of persons. All these deficiencies in the fundamental rights field are legally valid in the Mexican system, due to the recent ruling by the Supreme Court.

Unless the high court decides to change this criterion, which is possible, though highly unlikely, the harmony between the Mexican Constitution and international human rights treaties can only be achieved through legislative reforms.

Otherwise, if the Constitution is not amended, clearly incorporating human rights contained at international instruments, recommendations of foreign organisms may not be fully accomplished, which in my opinion alters justice efficiency and undermines democracy's foundations. Opinions expressed in this text are those of Surya Palacios.

Editor's note: Surya Palacios is a sociologist, Mexican lawyer and journalist. She collaborates for the journal Idconline, belonging to Group “Expansion”. Follow her on his twitter account: @suryapalacios

<http://mexico.cnn.com/opinion/2013/10/31/opinion-el-arraigo-desprestigia-a-mexico-en-materia-de-derechos-humanos>

### BOOK OF THE MONTH

#### **25 years of Contentious Jurisprudence of the Inter-American Court of Human Rights of 1987 Exception to the Right; interpreted in 2012**

By: Karlos Castilla  
Editorial: Ubijus  
Year of release: 2013  
ISBN: 9786078127825  
1 edition  
Pages: 146

In June 1987, the Inter-American Court of Human Rights delivered its first judgment in the exercise of its jurisdiction.

In 2012 a quarter century of it was fulfilled.



The journey through the Inter-American jurispru-

dence shows that the Court has heard at that time 161 cases involving 22 American states, issuing 259 statements in which has interpreted practically all the American Convention on Human Rights. At fulfilled period, it is essential to do any revision of this jurisprudential history since present, gives us samples of the past and allow planning ahead.

But it is also necessary to know in which cases, which rights and which interpretations has made the Inter-American Court before the story moving forward. Therefore, this book seeks to contribute to that work in a simple and general, providing a guide to how to frame, detailing which

rights discussed in each of the 161 cases the Inter American Court on 25 years of jurisprudence, which is expected to serve for more agile approach and simple manner to inter-American jurisprudence for anyone who wants to know and / or deeply into the contents, development, progress and setbacks of this in particular.

<https://www.porrúa.mx/pagina-interior.php?id=831482>



Comisión Nacional de los  
Derechos Humanos  
MEXICO

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Periférico Sur 3469,  
Col. San Jerónimo Lídice,  
Delegación Magdalena Contreras,  
C.P. 10200, México City.  
Telephones (55) 56 81 81 25 y 54 90 74 00,  
Toll Free : 01800 715 2000

### **Executive Secretariat**

Blvd. Adolfo López Mateos, 1922, 1er piso,  
Col. Tlacopac, Del. Álvaro Obregón,  
C.P. 01049, México, City.  
Telephone: (52 55) 17 19 20 00 ext. 8712  
Fax: (52.55) 17 19 21 53  
Toll Free : 01 800 715 2000  
Correspondence  
[iotorres@cndh.org.mx](mailto:iotorres@cndh.org.mx)

