



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 59/2011**

*The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.*

**Mexico City, October 11th, 2011**

**SUBJECT: ABOUT THE CASE OF MINOR V1**

**AUTHORITY RESPONSIBLE: SECRETARY OF PUBLIC EDUCATION**

In May 2009 V1, an underage student at educational facility C in Villahermosa, Tabasco, was asked for a sum of money to have her school problems resolved by AR3, a teacher at the aforementioned facility, which she refused to pay.

On the other hand, professor AR1, also assigned to the aforementioned facility, offered 17 year-old V1, who was his student at the stated schooling facility, to set her academic situation straight in exchange for engaging in sexual intercourse with him, an action which took place on that same day.

On September 24th 2009 Q1, mother of V1, told AR2, headmaster of educational facility C, about these events, leading him to initiate three administrative reports. However, he said that he failed to process them because the plaintiff refused to be present during their filing, causing the reports to lack all of the necessary legal requirements for them to be valid.

Based on the logical juridical analysis performed on the evidence contained within file CNDH/5/2009/5114/Q, it was possible to determine that the rights to integrity, legality and legal certainty of minor V1 were violated by civil servants AR1, AR2 and AR3 of the Secretariat of Public Education.

Due to the aforementioned events, the Mexican National Human Rights Commission considers it necessary to issue the following **Recommendations**:

**To you, Mr. Secretary of Public Education:**

**First.** Order whoever it may concern to take the necessary steps to repair the damage caused to V1 by means of the psychological attention needed to address the issues she is dealing with until her mental state has been totally reestablished. Proof of compliance must be sent to the National Commission.

**Second.** Collaborate amply with the Mexican National Human Rights Commission during the assembly of the complaint to be filed before the Internal Affairs

Department of such Secretariat regarding the events which were detrimental to V1, brought forth in Q1's complaint against AR1, AR2 and AR3.

**Third.** Instruct all the necessary persons in order to push for preventive, corrective and supervision measures at the schooling facilities dependant on the aforementioned Secretariat that deal with underage students, thereby guaranteeing that actions such as those which provoked the current recommendations will not take place again. Proof of compliance must be sent to the National Commission.

**Fourth.** Order whoever is responsible to provide the civil servants, who work at the Secretariat's schooling facilities with training on human rights, specially focusing on the rights of minors. Proof of compliance must be sent to the National Commission.

**Fifth.** Require the dissemination of information aimed at students and parents, enabling them to file reports or receive advice in case of being offended by the actions of the civil servants who work at schooling facilities. Proof of compliance must be sent to the National Commission.

**Sixth.** Issue orders to whoever it may concern so the way a teacher behaves with and treats underage students is considered when hiring new faculty members and current faculty is also evaluated on these aspects. They must also undergo periodic personality tests, all with the aim of preventing behavior such as that which led to this recommendation from occurring again. Proof of compliance must be sent to the National Commission