




Newsletter





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Remarks made by Mr. Luis Raúl González Pérez, President of the National Human Rights Commission, at the 2015 Annual Activities Report presentation before the Federal Judicial Authority

Mexico City. April 19th, 2016

Minister Luis María Aguilar Morales, Minister President of the Supreme Court of Justice of the Nation and of the Federal District Judiciary Council;

Ladies and gentlemen Ministers of the Supreme Court of Justice of the Nation;

Ladies and gentlemen Judges of the Federal Electoral Court;

Members of the Federal Judiciary Council, honoring us today with their presence;

Members of the Advisory Council of the National Human Rights Commission;

Members and representatives of the International Organisms;
Representatives of Civil organizations;

Members of the different branches of the Federal Judicial Authority, joining us today;

Colleagues of the National Human Rights Commission;

Media representatives;

Ladies and gentlemen:

To the National Organism on my charge and personally, it is a deeply relevant fact, to greet, recognize and appreciate the openness of this High Court to receive the CNDH, in the act that brings us here today, with the motive of the annual labors report. Beyond the normative formality accomplishment, I look forward for this act to symbolize the beginning of a new age, that consolidates and assumes the link between the protection and defense systems of human rights in Mexico, under a comprehensive and dynamic perspective, that contributes to the response of our country's needs upon this area.

In Mexico, human rights vali-

dity denotes the same as constitution's force. If human rights are not met and respected, the main substance of our legal system won't be met and respected.

That is why the fulfilment of better functions played by jurisdictional and non-jurisdictional protection systems for people's fundamental rights require its collaboration and complementarity. Our interests and objectives are: mutual recognition, respect and human dignity validity under the law.

The 2011 Constitutional Reform, placed human rights as a guide and parameter to all authority acts, nevertheless, it is precise to mention that our constitutional reality does not find an objective response upon our daily reality. The normative recognition of the rights is of slight relevance if they aren't enforced and if there are no ways or means to make them effective or repaired.

Due to that, jurisdictional and non-jurisdictional human rights defense systems have a responsibility and a commitment with Mexican society. Each one of us, from our particular scope, search for people's rights not only to be recognize, but to be respected and valid, that justice becomes a reality ant not a merely aspiration to all Mexican people. Every day we participate within the construction of a society and a State that is effectively focused upon people's dignity.

This task of construction is by no means easy, it additionally requests other actors and elements participation that, according with our highest law and in compliance with the compromises assumed by the Mexican State within the international scope, they contribute to define the legal and institutional framework applicable to the human rights in Mexico, I refer to the universal and regional protection systems of those mentioned.

The constitutional bloc that governs us is not a finished work, nor a static one, it is a dynamic body, in constant development and transformation that is cultivated by, among other things, on how human rights are promoted and defended, not only in Mexico, but worldwide. If we pretend to disclaim the effect and the indispensable international dimension that enjoy fundamental rights today, then we ignore the true nature and impacts of our constitutional powers.

In this scope, the Federal Judicial Branch has played a modern role, at participating and promoting an ongoing dialogue process among national, regional and universal systems of protection and defense on human rights, which consequences have contributed to give form in how human rights are understood, interpreted and defended in Mexico.

The report being presented today at this High Court, accounts about the activity carried out by this Autonomous Body which was in my charge during 2015. Among the most relevant aspects we point out in this reporting period is that it has being registered a growth of 18% in the number of the initiated complaint cases, 9,980 new issues filed, compared to 8,455 of 2014. In 2015, 44% of the complaint cases were solved, more than previous period, during this year 10,157 cases were concluded compared with the 7,022 of 2014.

The alleged human rights violations frequently denounced during 2015 were the inappropriate provision of public service, in 3152 cases; lack of legality, integrity, loyalty, fairness and efficiency at functions in 1871; to ignore the provision of medical care 1697 cases; arbitrary detention in 879 cases; cruel, inhumane or degrading treatment in 663; actions or omissions that violate migrant rights in 602, medical ne-

gligence in 490; to skip the act of authority establishment in 481; to skip the motivation of the act of authority in 452; and unduly provision of educational service in 431 cases.

The most frequently denounced authorities alleged as responsible for human rights violations were; IMSS in 2,185 cases; the Decentralized Administrative Body on Prevention and Social Rehabilitation of the Ministry of the Interior in 1,308 cases; the Federal Police in 783 cases; the Attorney General's Office in 761; ISSSTE in 705; the National Migration Institute in 688; SEDENA in 620; SEP in 548; SEMAR in 373 and; CFE in 316.

The more frequently reported federal entities for committing any act alleged as a human right violation, were: Mexico City in 2,350 cases; the State of Mexico in 791 cases; Tamaulipas with 613 cases; Veracruz in 468 cases; Sonora with 442 cases; Chiapas in 405 cases; Jalisco with 354 cases; Oaxaca in 349 cases; Nayarit with 302 cases; and Michoacán in 299 cases.

In this reported period, this National Body issued 60 Recommendations addressed to 42 authorities, among them IMSS with 13 recommendations; the National Security Commission with 7; as well as the State Government of Chiapas, ISSSTE, the National Migration Institute, and PGR with 3 recommendations each of them.

Among the data and statistics integrating this Report, which up to date are of public knowledge and available at the CNDH webpage, I would like to highlight some aspects that I consider of importance and that account the existing link between the CNDH activities, and jurisdictional functions exercised by the Federal Judicial Branch in this period:

Any direct human rights violation to persons or any conducive situation carried out by that venerates human rights is important, but acquires another dimension when the violation or risk involves a larger number of people's rights, as in the case of laws which its content violates fundamental rights. Although, the principle of legality is important, even more is the principle of constitutionality, supported in the need and importance to prevail the supremacy of the so-called constitutional instrument in our legal order.

In this sense, exercising the attribution conferred to the CNDH by the General Constitution of the Republic in its article 105, paragraph II, subparagraph g), during 2015 this National Body promoted 29 actions of unconstitutionality, thus represents 42.6% of the total of this kind of actions that the National Commission has filed since 2006, year in which this power was granted to it.

The promotion of these actions are consequence of an ob-

jective and impartial review that the CNDH conducts of the public laws at the official local and federal dissemination bodies, checking that they do not violate the human rights. With this, the risks that some rules may be against the exercise and enjoyment of human rights are visible, and contributes to improve the legal system of our country, by enhancing High Court's action as an institution that safeguards the constitutional order.

The unconstitutionality action in this context is a mean of control that by its overall effects has immediate impact and greater consequence on the human rights protection. At submitting this sort of claim before the Supreme Court, it also shows and gets attention of several political and social players' upon the questioned substance of the norm, promoting an exchange of opinions an debates, enriching and updating reflection on the fundamental rights in Mexico.

Human rights is the only axis that will guide and sustain the changes and transformations that our country requires to bring greater justice, equity and inclusion, with a genuine rule of law and a strong institutionalism, democratic and consolidated, in which, corruption and impunity does not fit and where all persons have an environment providing needed conditions for their full development.

Beyond cases like Tlatlaya,



Apatzingán or Iguala that due its seriousness and significance have moved and outraged society, every day we Mexicans coexist with a weak rule of law, impunity, corruption, insecurity and, on many occasions, with violence, with the collusion of some authorities with organized crime and powerlessness conditions facing the breach of power and criminal actions, issues inconsistent with our democratic constitutional state, and infringes the personal dignity.

Before this scenario, I consider that the most significant task we face, together with other Mexican State bodies, is to achieve the implementation of the 2011 constitutional amendment and full validity, which still prevails, largely, as a regulatory promise without a genuine and effective application.

Nearly 5 years from this amendment, there has not been a conclusion of the regulatory laws 'normative processes derived therefrom; it is still an aspiration or a good desire that all authorities in their daily activity promote, respect, protect and ensure human rights; we are still debating and trying to understand the principles of universality, interdependence, indivisibility and progress of fundamental rights, likewise

the way the authorities, of diverse levels and orders of government, should implement them.

We cannot affirm we are a State of Human Rights with rule of law, when economic rights, social and cultural are still, to a large number of Mexicans, an aspiration that has been tackling and whose paths and enforceability scopes have not yet been clearly defined.

If law enforcement existed, indeed, the essential conduct of all public servants, the violations to persons' dignity could hardly happen and we wouldn't need to talk about fundamental rights, and even lesser, to refer to the subsistence of those practices like enforced disappearances, torture, arbitrary executions, illegal detentions, human trafficking, abuses to migrants, infringements and attacks to journalists and human rights defenders, or to failures and irregularities within the penitentiary system. Serious behaviors that affects victims directly, and also affects society and weakness our democratic institutions.

Fundamental rights, as underlined, can't be observed as appeal or scope to lawlessness. Only in the framework of the law, there could be provided the necessary

conditions to a peaceful social coexistence, as well as the recognition and respect to people's dignity.

Mexico has the required institutions and legal framework so that violations to human dignity in our country could be investigated, the responsible punished and the damage repaired. Everybody have the right to all rights. After an abuse and violation of our rights, the jurisdictional and non-jurisdictional protection systems to human rights, will be attentive to act timely, with relevance and quality, without distinction or any other interest in order to achieve truth, justice and damage repair in all cases.

Thank you.

<http://www.cndh.org.mx/sites/all/doc/Participacion/20160419.pdf>

The National Ombudsman noted the responsibility of corporations to develop mechanisms to remediate Human Rights violations resulting from its own activity

Chihuahua, Chihuahua. April 6th, 2016

The National Ombudsman, Luis Raúl González Pérez, participated at the opening of the “*International Forum on Human Rights in the context of Business Activities and Sustainable Development*”, together with the Governor, César Horacio Duarte Jáquez; The President of the State Commission of Human Rights of Chihuahua, José Luis Armendáriz; Miguel Guerrero Elías, President of CANACINTRA, Chihuahua; Paloma Muñoz Quick, from the Danish Institute for Human Rights; Dante Pesce, President of the UN Working Group on Business and Human Rights; Ramiro Rivadeneira Silva, Ombudsman of Ecuador; Alfonso Cajiao Cabrera, Ombudsman of Colombia; Nabila Tbeur, Special Counselor on Business and Human Rights of the National Human Rights Council of Morocco and; Ricardo Jesús Sepúlveda, General Director of Public Policy on Human Rights from the Ministry of the Interior; among other colleagues.

The president of the CNDH highlighted the role of businesses upon reversing the delay on several social spheres, since they could and should contribute in achieving acceptable degrees concerning decent work, economic growth, industrial innovation upon strict environment respect, eradication of poverty and achieving the access to education or to drinking water, among other aspects.

He pointed out, that the National Human Rights Institutions, as the State, society and businesses should work in order to achieve tangible results for persons and communities to be benefited. To this end, the UN Guiding Principles on Business and Human Rights must be disseminated and applied, with special focus on the rights, needs and problems of groups in vulnerable situations.

The president of the CNDH called upon authorities and the business segment to reflect upon the State’s duty to accomplish

commitments delivered in 2030 Agenda, as well as the business responsibility to respect and promote the access of society to a remedy mechanism to human rights violation derived from its own activity, and on this way, to contribute in the implementation of the principle of corporate social responsibility, thus, to the sustainable development framework within the respect and promotion of human rights.

The meeting included working tables on “Human Rights and business, current status”, “Human Rights at 2030 Agenda for the sustainable development”, as well as “Indigenous people and development”, “Megaprojects, extractive industries and human rights”, likewise “The right to a descent employment”, with presentations of experts from Ecuador, Colombia, Denmark, Chile, Peru, Morocco, among other countries.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_097.pdf



CNDH CALLS UPON AUTHORITIES AND SOCIETY IN GENERAL FOR DIABETES PREVENTION AS A RIGHT OF ACCESS TO HEALTH CARE AND SOCIAL ASISTANCE.

CGCP/098/16

April 7th, 2016

At the World Health Day commemoration, with the specific topic: *"Defeat diabetes: intensify prevention, improve attention, and strengthen observance"*, the National Human Rights Commission (CNDH), calls upon authorities and society in general to make awareness upon this chronic condition affecting daily to more and more people in Mexico and worldwide.

This National Organism highlights the provisions of the World Health Organization (WHO) which state that diabetes will turn to be the seventh cause of death for the year 2030. It is estimated that about 350 million people around the world have diabetes, a number that might be duplicated in the next 20 years.

Official statistics point out that 9.2% of the country's population have diabetes and only 25.4% of those diagnosed with this condition, are under medical supervision. Likewise, 7 out of 10 adults and 1 out of 3 children have overweight and obesity, being one of the principal causes of diabetes.

The CNDH upholds that the commemoration of

this day should impulse the right to health for all Mexicans, generating awareness upon diseases such as diabetes, but also to push an effective universal coverage in all the country and defend specific topics upon this matter.

Health is a human right and is an unavoidable condition of a genuine democracy, implicated with well-being terms, productivity, competitively, development and social justice. For this reason it is an obligation for the modern State to provide with effective access to health care and social assistance; satisfying people's needs, as an indispensable condition for individuals and societies to achieve full development.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_098.pdf



IN THE OCCASION OF THE INTERNATIONAL MOTHER EARTH DAY, THE CNDH CALLS ON AUTHORITIES AND SOCIETY TO JOIN EFFORTS IN THE DEFENSE OF THE RIGHT TO A HEALTHY ENVIRONMENT

CGCP/110/16
April 22nd, 2016

In the occasion of the International Mother Earth Day, that this year is commemorated under the heading “The trees for the Earth”, the CNDH shows its concern because of the continuous deterioration of the environment and the natural resources, both at the global and national scale.

The United Nations General Assembly recognized that “Mother Earth” is a common expression in several countries and regions, reflecting the interdependency among human beings with other species and the planet that withstands us.

Mexico is the fourth country with the biggest worldwide biological diversity. Nevertheless, the care and sustainable use of this diversity faces several challenges, among them are the

growing of urban areas; ecosystems fragmentation; air, water and soils pollution; as well as natural resources overexploitation, including illegal logging and illegal wildlife trading.

The loss of forest resources has serious consequences in the quality of life, since those resources purify the air, they decrease climate change effects, are used as habitat of several species and represent an important livelihood to local communities.

In this regard, the CNDH has issued several recommendations on environmental matters and will continue conducting actions to promote, with the support of

several sectors of the population, awareness on the inseparable link between environment and human rights, climate change, sustainable indicators and the Sustainable Development Goals.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_110.pdf



THE CNDH PROPOSES TO MAINTAIN ROBUST APPROACH AND CONSENSUS AT THE WORLD HABITAT SUMMIT III, TO FACE NEW CITIES CHALLENGES WITH A HUMAN RIGHTS PERSPECTIVE

CGCP/112/16
April 23rd, 2016

The National Human Rights Commission (CNDH) attended the Regional Reunion of Habitat III, before the *World Habitat Summit III*, that will be celebrated next October, in the city of Quito, Ecuador, which goal is to ensure the compromise for the sustainable urban development, facing the new challenges of the cities and establish the New Urban Agenda.

The Executive Secretary of the CNDH, Héctor Dávalos, highlighted the importance of the Ombudsman and ombudspersons inputs in this encounter, to raise a solid and harmonic approach within the current issues of concern



at major cities, such as access to drinking water, decent housing, a healthy environment and to health.

He explain that the New Urban Agenda should be developed within gender perspective and has to set the city as a place for oppor-

tunities, innovation and development, besides including issues as urban and territorial design, urban governance, sustainable mobility, land management, and climate change, among others.

This reunion was attended by the ombudspersons of Peru,

Argentina, Brazil, Uruguay and Mexico, to talk about their role in Latin America in the promotion and defense of human rights within an urban context.

At the next World Summit there will be a participation of 80 institutions of human rights defenders of Latin America, headed by

the United Nations (UN), the Latin American Ombudsman Institute, and the Regional Support Program for Ombudsmen, the University of Alcalá de Henares and the Iberoamerican Federation of Ombudsmen, from which the CNDH is member.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_112.pdf

DURING THE OCCASION OF THE WORLD DAY FOR SAFETY AND HEALTH AT WORK, THE CNDH INVITES TO FOSTER A CULTURE OF PREVENTION WITH A VIEW TO PROMOTE A SAFE, HEALTHY AND DECENT WORKPLACE

CGCP/117/16
April 28th, 2016

Due to the serious consequences that could be generated by a work accident, The National Human Rights Commission (CNDH) considers indispensable that authorities and employers should foster a culture of prevention and care; establishing appropriate workplace conditions based on safety, hygiene and health.

In the occasion of the World Day for Safety and Health at

Work -April 28th- the CNDH highlights the necessity for responsible authorities on inspection, surveillance and verification at workplaces should conduct with due diligence, in order to preserve physical and psychological integrity of workers and protection of their families.

This National Organism invites authorities, business, unions and workers to actively participate in the formulation of initiatives aimed to ensure ideal working conditions, giving full priority to the principle of prevention. Pre-

vention culture implies respect to the rights of work and to the rights in the workplace, as well as of a safe and healthy environment.

This National Commission reiterates the importance to make effective the International Labor Organization tenets with a view to promote safe, healthy and dignify work, and with it, to prevent accidents at workplaces likewise professional diseases.

http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_117.pdf



TO RECOGNIZE GIRLS, BOYS AND ADOLESCENTS AS FULL RIGHTS- HOLDERS, IS THE CHALLENGE IN OUR COUNTRY: CNDH

CGCP/118/16

April 30th, 2016

To the National Human Rights Commission (CNDH), the challenge in our country is to set in stone within facts the new paradigm in which girls, boys and adolescents are truly right-holders.

It is precise that their rights recognition, must be carried through its effective application, to generate a cultural change on all Mexicans based on respect, protection and the guarantee children's and adolescents' fundamental rights. It is also important that this coordinated work, will achieve a greater impact in a short, medium and long-term period, so that children and adolescents enjoy services and opportunities for their full development.

This National Organism considers, at the Children's Day celebration framework, necessary to recognize the prevailing disparity, inequity, poverty, discrimi-

mination, violence, exploitation and forced work. It is necessary to recognize their rights content at the international instruments, the General Law and local laws of the Rights of Girls, Boys and Adolescents.



In spite normative advances in this matter, such as the endorsement of the Convention on the Rights of the Child in 1990 or the publication of the General Law on Rights of Girls, Boys and Adolescents of 2014, there are still several adjustments on local dispositions and comprehensive public policies that are capable of attending vulnerable situations where girls, boys and adolescents are, mainly those in which they suffer from multiple discrimination.


In this scenario, for the National Commission, gender perspective and the greater interest, should be the main axis of comprehensive public policies im-


plemented at the three orders of government for the benefit of children as well as the decisions that are taken in regard the issues affecting them.



http://www.cndh.org.mx/sites/all/doc/Comunicados/2016/Com_2016_118.pdf



Responsible Authorities	Issue	Recommendation
<p>Coahuila’s government of Zaragoza, City council of Torreón Coahuila of Zaragoza.</p>  	<p>About the case of illegal detention in detriment of V1, V2 y V3, torture, sexual violence in detriment of V1, torture in grievance of V2 and arbitrary execution in detriment of V3, at Torreón, Coahuila.</p>	<p>RECOMMENDATION No. 15 /2016 April 13th, 2016</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_015.pdf</p>

Responsible Authorities	Issue	Recommendation
<p>Chiapas State Commission of Human Rights.</p> 	<p>About the case of impugnation appeal against the Chiapas’s Human Rights Commission, for publishing the underage name of V, at the Recommendation 0001/2015-r violating his rights of intimacy and privacy, related to the protection of personal data and the child’s best interest.</p>	<p>RECOMMENDATION No. 16/2016 April 22nd, 2016</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_016.pdf</p>

Responsible Authorities	Issue	Recommendation
<p>Municipal Presidency of the City town of Tetela de Ocampo, Puebla.</p> 	<p>About the impugnation resource of Q1 against the partial accomplishment of the issued recommendation of Puebla’s Human Rights Commission.</p>	<p>RECOMMENDATION No. 17 /2016 April 28th, 2016</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_017.pdf</p>

Responsible Authorities	Issue	Recommendation
<p>Government of Chiapas, Mexican Institute of Social Security.</p>  	<p>About the case of the vaccine of an underage in the late called, medical rural unity “La Pimienta”, in the municipality of Simojovel, Chiapas.</p>	<p>RECOMMENDATION No. 18 /2016 April 29th, 2016</p> <p>http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2016/Rec_2016_018.pdf</p>

What actions must an enterprise do to be considered socially responsible?

An enterprise socially responsible is the one that inside its "organizational DNA" there stands a strong commitment to act within the law and at the same time, contributes actively and voluntarily to develop its social, economic and environmental space in its area of influence, all of this, with the goal to optimize its competitive situation and to strengthen its supply chain.

For the time being, there is no official certification that the corporations can use to legally be considered socially responsible, the closest to it could be the ISO 26000, of the family of ISO norms, however, it is considered only as a Corporate Social Responsibility (CSR) action guide and it is not certifiable, nor it searches to be so just as it does not want to be a regulatory instrument at any time.

There is a great amplitude and diversity of existent practices within the CSR, the Action Center of CSR in Guatemala (CENTRARSE), which groups those practices in seven axis: governability, intern



public, environment, suppliers, marketing, communities and public policy.

<http://www.perspectiva.com.gt/blog/que-acciones-debe-realizar-una-empresa-para-considerarse-socialmente-responsable/>

Book of the month



Environmental and sustainable projects

Diana Durán
 Edition: 1st. Ed.
 Year: 2012
 ISBN: 978-950-892-398-1

Environmental and Sustainable Projects approaches the traces of the contemporary environment. Through a critical synthesis of its complexity, it will allow its readers – students and teachers of related careers and the general public, interested in the environmental problem – to understand them and act in consequence.

Matters such as the order of the territory, the environmental politics and planning, the evaluation of the environmental impact, the pollution control, the environmental challenges, the project management and the environmental education gather, from an integral perspective, the different chapters of the book.

In the year of Rio+20, after 20 years of the Eco 92 – considered as the starting point of environmental consciousness - , the environmental problems are aggravating and there is no doubt of a need to face the sustainable projects as the main human answer to the environmental challenge.

<http://www.lugareditorial.com.ar/libro.php?isbn=978-950-892-398-1>



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Newsletter

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