The New **CNDH Thirty Years** after Its Creation

The **CNDH** takes a stand on the events in the **state of Jalisco**



June 2020

1

No.

328

. . .



Index

Newsl	letter No. 328	
Our's l	President Voice	
Event	of the Month	
Press I	Releases	6
Recom	nmendations	
Action	ns in Defence of Human Rights	
Tende	ncies	
\succ	EDUCA CNDH	24
≻	App CNDH ATTENDS	25
\triangleright	App COVID-19 Monitoring	26
Article	e of the Month	27
Book o	of the Month	



Our President's Voice

DGC/171/2020 June 7, 2020

The New CNDH Thirty Years after Its Creation



The National Human Rights Commission (CNDH) commemorates its thirty years of existence in two ways: working and renewing itself.

Working, we did not stop one day during the COVID-19 contingency. While in other countries the human rights commissions closed their doors, we kept ours open. For nearly three months, we have had around fifty pandemic-related complaints weekly.

Renewing, since we have taken firm steps to resize the CNDH in its structure and in performance of duties. Since January we have achieved savings of almost 30% of resources, in non-fundamental areas existing just for the flash, channeling resources to substantive spaces to deal with complaints faster and better, give out recommendations tailored to victims, and follow up on them fully and on time. Furthermore, this has allowed the Mexican people to receive a part of our budget for the pandemic care.

In order to understand the scope of the renewal of the CNDH proposed from the beginning of my administration, which we are building, we must begin by talking about the nature and characteristics of the *institutions for human rights protection* —Commissions, Ombudsmen, Defence Prosecutors, or Defenders of the Rights of the People, it matters little how they are called—: All of them are institutions invested with moral force, and they have to

National Human Rights Commission

protect human rights through the issuance of no-binding recommendations, that is, the authorities are not obliged to accept them.

This is the vision in Mexico, it is found in Article 102, section B, of our *Political Constitution of the United Mexican States*, and should be amended. The mentioned Article determines that the "Congress of the Union and the legislatures of the federal entities will establish organisms of human rights protection [...], which will have knowledge of the complaints against acts or omissions of administrative nature coming from any authority or public servant [...] and they will formulate non-binding public recommendations, reports and complaints to the respective authorities [...]".

In the CNDH, we think differently. In our country, the Human Rights Defence and Protection has its own peculiar historical background and it is not limited to observation and complaint. We are talking about the *Office of the Procurator of the Poor* promoted by Ponciano Arriaga as deputy in San Luis Potosí, and issued by local Congress on March 5, 1847, to defend the most vulnerable social classes



Proponemos un cambio de fondo en el trabajo de la Comisión con el objetivo de ser una institución más eficaz en la defensa y protección de los derechos humanos, y transformarnos en una auténtica

DEFENSORÍA DEL PUEBLO

from the abuses, excesses, grievances, humiliations and mistreatments committed by any authority. In addition, that Organism had powers to denounce and to request compensation for the corresponding damage.

The Office of the Procurator of the Poor was quite advanced for that time. It had a short existence, only a year, since the First attorneys —Vicente del Busto, Manuel M. Castañeda and Manuel Arriola— began their efforts on May 15, 1847 and resigned on May 30, 1848.

"Ponciano Arriaga's humanistic proposal to create the *Office of the Poor* aimed to protect the poor [...] His clear vision of the society in which he interacted allowed him to notice how the authorities mistreated a part, persecuting, swindling, and oppressing it without anyone taking care, anyone who, in its name, demanded reparation or protection of their rights¹".

In our country, that is the tradition of *Ombudsman*, of our People's Rights Defender. We are going to claim it now, thirty years after the founding of the CNDH and the exhaustion of its operating model. Its failure has been evident in its enormous cost to the people and its scant results. We have

1 Ver: <u>http://www.stjslp.gob.mx/pjudicial/difusion/pdf/PON-</u> CIANO%20ARRIAGA%20LEIJA.pdf not decided it, it has been documented by countless NGOs and national and international organisms.

Thus, part of the fight consists of achieving a binding character for the recommendations, that the authorities accept them and repair the damage caused by their actions. Above all, it is about having a greater impact on public policies. On the other hand, it also concerns reducing the expenses of the CNDH, optimizing resources and focusing on what we must do: to assist victims of violations to human rights, and those who are at risk of being so.

The CNDH is an achievement of the people of Mexico. Our goal is to give it back in a way that really works, leaving its evaluation to the people.

Ma. del Rosario Piedra Ibarra President

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_171.pdf



DGC/172/2020 June 8, 2020

Thirty years after the CNDH foundation, a new age begins for its digital archive: it will be updated. Thanks to this, victims will be able to follow up on their complaints directly.

In the midst of a reform process, and after thirty years of existence, the National Human Rights Commission (CNDH) is updating its digital archive. From now on, victims will be able to consult and follow all the complaints lodged with the Commission.

This seeks to advance the transformation of this institution unto a true Ombudsman's Office, and comply with the principles of openness, accessibility and transparency that will characterize the new phase.

On the instructions of the CNDH's president, María del Rosario Piedra Ibarra, initiatives are being implemented for the digital modernization of the procedures for filing and consulting complaints online, with the aim of allowing the people of Mexico access to this data and obtain, with evaluations and follow-ups, an alternative to pose tasks with more information and better support, in addition to the only really important qualification: that of the victims.

The procedure to put a complaint online exists since 2019, by updating it will ensure proper functioning. From now on, not only can a complaint be filed, but also its procedural status can be consulted, with tools that are within reach and easily accessible.

The purpose of these innovations is to ensure an adequate flow of information on a file and to strengthen internal joint work and between the directorates of the six Visitor's Offices and the General Directorate for Complaints, Recommendations, Guidance and Transparency. At the same time, this promotes the renewing of the digital archive and achieves efficient access with optimal channels of interaction.

These changes are being processed and are available on the CNDH official website (<u>www.</u> <u>cndh.org.mx</u>) and on the National Alert System. This program allows for the detection of repeated complaints against authorities in each entity, and the frequency with which human rights are violated. It can be accessed at: <u>http://appweb2.cndh.org.mx/SNA/inicio.</u> <u>asp</u>

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/COM_2020_172.pdf

Press Releases

DGC/163/2020

June 1, 2020

In the framework of the *World Day of Mothers and Fathers* (June 1), the CNDH recognizes the important work of both figures in the education of daughters and sons, and calls to eliminate gender stereotypes in this task.

The National Human Rights Commission (CNDH) reiterates its commitment to continue working on the eradication of stereotypes and inequalities, and on guaranteeing a full human rights exercise of mothers, fathers, daughters and sons to promote positive upbringing.

people, the chance of having their own income, seeking options in the labour market, advancing their academic preparation and work and participate fully in politics and society are quite fewer.

As a result of long working hours, excessive hour and/or lack of work permits to attend needs or problems related to the upbringing of their sons and daughters, working moms are restricted in their rights for family coexistence. For this reason, the CNDH urges the Mexican Government and employers to redesign labour policies until they are able to combine work with care and attention for daughters and sons.

This National Organism emphasizes that, in most cases, the care and protection of children and adolescents falls to one person, usually а woman, and supports the need to visualize as soon as possible the role of fathers within Care Activities, promoting it permanently through education with а gender perspective



6

where stereotypes are eliminated and, consequently, discrimination against women.

In these tasks of breaking down stereotypes, consideration must also been given to diverse families made up of parents of the same gender: they are equally capable of successfully educating and raising their sons and daughters.

As women are the ones who, without remuneration, have more responsabilities and time to dedicate themselves to the home or the care of dependant As for the return to the new normality derived from the COVID-19 contingency, it will be complex: childcare services and school activities will not regularized be immediately. Furthermore, experts do not consider wise, neither short medium nor term, to delegate child minding to

the elderly or chronically ill. Employer will need to grant childcare facilities and/or permits and create mechanisms for working from home.

The CNDH emphasizes that new normality must also contain a comprehensive and inclusive vision of diverse families, a space where gender stereotypes are mostly broken.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_163.pdf DGC/164/2020 June 1, 2020

The CNDH informs society that the *Special Program for Sexuality, Health and HIV* is in the process of renewal and strengthening.

Special Program for Sexuality, Health and HIV

Due to the concern among activists and some human rights organizations about the *Special Program for Sexuality, Health and HIV*, the National Human Rights Commission (CNDH) informs that this program will not disappear, and it is not being dismantled. Like other areas, it is being renovated to provide better care for victims. This allows reinforcing its fundamental functions: to protect and defend human rights.

The other special programs are also being incorporated into the CNDH Working Program in order to streamline them, since many had deficiencies, paralysis and abnormalities. Some have even motivated recommendations from the Federal Superior Audit, which we are correcting. In other cases, there is no progress.

In the Special Program for Sexuality, Health and HIV the need to implement adjustments and improvements without delay was detected: that is what we are doing. More will come, there is no doubt, and we will always perform them based on our primary objective: to better serve the victims and fully comply with our mission.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_164.pdf

DGC/166/2020

June 3, 2020

The CNDH issued an estrangement regarding the *Count to Ten* campaign, and calls on authorities at all Government levels to disseminate information about the real context of violence against women in the face of the COVID-19 pandemic.

The National Human Rights Commission (CNDH) issued an estrangement at the campaign *Count to Ten*, which was launched on May 26. Its contents make invisible the significance of gender violence during confinement by COVID-19, since they establish the family institution as a safe place where any conflict can be resolved appealing to calm: this ignores circumstances of violence, humiliation and abuse in the daily lives of women at home. These situations are not individual and/or isolated, they are systematic. The most vulnerable groups to violence in the home are: women, girls, boys, adolescents and older adults.



This National Organism urges any campaign for the eradication of violence against women to take a crosscutting and inter sectors view of issues such as the pandemic. This approach requires diversified options, unconnected with holding women accountable for

domestic violence, and capable of recognizing the strong changes and fissures within families today, where violent and abusive conducts are present and need to be addressed urgently².

The CNDH has been emphatic in pointing out the increase in violence against women during the COVID-19 confinement stage. On May 7, it noted the following: according to the information of the Executive Secretariat of the National Public Security System (SESNSP), in 2019 there were 10.5 murders of women per day; between January and March 2020, the number was 10.6; incorporating the data from April, already with confinement at home, the number rose to 10.8 on average. In other words, during the First four months of 2020, almost 11 women have been killed per day in Mexico.

Domestic violence against women during quarantine leads us to highlight the insecurity in that space for the female gender, as National Survey on the Dynamics of Household Relations (ENDIREH) 2016 also points out. The document notes an increase in sexual and genderbased violence: of married women, or in union, 25.8% have been physically assaulted by their partner; 11.7%, have been sexually assaulted; 56.4%, have experienced economic violence, and 89.2%, have been psychologically abused by their partner.

Mexico is obliged to comply with international agreements, and the call of the Inter-American Commission on Human Rights, in Resolution 1/2020, Pandemic and Human Rights in the Americas, adopted on April 10, 2020, recognized how seriously the pandemic affects to the full validity of the human rights, and emphasizes its particular context drawing attention to

the following: "Furthermore, the region is characterized by high rates of generalized violence and especially violence based on gender, race or ethnic origin, as well as the persistence of social scourges such as corruption and impunity."3

Respect for the right of women to a life free of violence must start with the authorities: within their competences they must comply with the obligation to promote, respect, protect and guarantee human rights, as established in Article 1 of the Political Constitution of the United Mexican States.

In Mexico, the Instituto Mexicano del Seguro Social (IMSS, *Mexican Institute of Social Security*); the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado (ISSSTE, Institute of Security and Social Services of State Workers), and the Secretaría de la Defensa Nacional (SEDENA, Secretariat of National Defence)

Número de llamadas al 911 por incidentes relacionados con violencia contra las mujeres (enero-abril de 2019 y 2020)

21,722 19,183 17.004 14.025 958 9,636 8.032 7.787 6.626 5.846 6,831 898 Abril Enero Febrero Marzo

practice most violence against women.

https://www.cndh.org. mx/sites/default/files/ documentos/2020-06/COM 2020 166.pdf

<u>https://www.cndh.org.</u> mx/sites/default/files/ <u>documentos/2020-06/</u> COM_2020_167.pdf



8

NUMBER OF 911 CALLS FOR INCIDENTS OF VIOLENCE AGAINST WOMEN (January 2016-April 2020)

2 On June 8, 2020, the President of Mexican Republic, Andrés Manuel López Obrador, announced in his daily morning conference that he would abide by CNDH exhortation, pointing out that he will on the realization of better campaigns. https://www.cndh.org.mx/sites/default/files/ documentos/2020-06/COM 2020 174.pdf

3 Inter-American Commission on Human Rights. Pandemic and Human Rights in the Americas. Resolution 1/2020. Available: https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf

are the institutions that



Newsletter - June 2020

National Human Rights Commission

DGC/168/2020 June 4, 2020

The CNDH made an attentive exhort to the Executive Commission of Attention to Victims for the information in its Bulletin number 22.



Given the information in Bulletin No. 22 of the General Directorate of Communication of the Executive Commission of Attention to Victims (CEAV), the National Human Rights Commission (CNDH) exhorts it, because to stop the dependency functioning, as it is announced, as a response to the operational cut of 75% its budget or current spending, it would imply serious consequences, since with these measures the institution would tend to disappear. Regardless of the lack of resources for paying general services and personnel, the substantive issue is the following: At a National level, more than 7200 victims attended in its Comprehensive Care Centres, will no longer have medical, psychological, social and legal attention, and they will be prevented from accessing compensation; the National Registry of Victims (RENAVI) will disappear, which operates the archive of victims so that they can access reparation for damages — with more than 500 requests per day—; 1000 resolutions will be pending, and 610 judicial proceedings in course, some from this National Commission and the Ibero-America Court of Human Rights, among others such as the cases of Avotzinapa, Casino Royale, Dirty War, Atenco, Tanhuato, ABC and Tlatlaya

The CEAV is obliged to guarantee, promote and protect from violations the human rights of the victims, and from crimes such as enforced disappearance, extrajudicial execution, torture, arbitrary detention, feminicide and trafficking, among others. For this reason, and based on what was stated in the aforementioned bulletin, it could seem that the objective for which the CEAV was created would no longer be fulfilled: almost, the attention to victims would be abandoned and, according to the General Law on Victims, each would be being re victimized regarding the violation of their human rights.

With the respect that CEAV and the decisions of its authorities deserve, in the CNDH we consider that Article 1 of our, Political Constitution of the United Mexican States could be being violated, in which third paragraph states that within the scope of their competence, all authorities have the obligation to promote, respect, protect and warrant human rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM 2020 168.pdf

DGC/170/2020 June 5, 2020

The CNDH takes a stand on the events in the state of Jalisco.

On June 3, 2020, a video was released through various media outlets showing the municipal police of Ixtlahuacán de los Membrillos, Jalisco, arresting Giovanni López Ramírez with excessive force, allegedly for not using mouthguard. Giovanni was seriously injured while trying to get rid of these public servants.



9

Press Releases

The arrest had taken place on May 4, a month before the video was released. According to press reports, he was found dead the next day at the Hospital Civil of Guadalajara, where records indicate that he died from head trauma and various injuries more, including a shot in the leg.

The Inter-American Court of Human Rights states that although "States have the right to legitimately use force to comply with their obligation to guarantee security and maintain public order," there are limits to its use "regardless of the gravity of certain actions or the culpability of their perpetrators"⁴. According to Inter-American jurisprudence, "it is limited by exceptionality and proportionality. The use of force must be the ultimate reason, since it can be used only when all other means have been exhausted and failed; that is, if the use of force is the first and only recourse, this will go against international treaties on human rights"⁵.

The CIDH establishes that the governing principles of the use of force by agents of the State are legality, absolute necessity and proportionality⁶.

Through National Mechanism for the Prevention of Torture (MNPT), this National Commission has remained attentive to what has happened, always in communication with the Commission of Human Rights of the State of Jalisco, and is evaluating its participation to ensure the prevalence of the interests of the victim. It also makes calls on the municipal and state authorities in charge of public safety to take action to:

1. Ensure that any restriction or limitation to the human rights in order to protect health within the framework of the COVID-19 pandemic, complies with the requirements of international human rights regulations.

2. Guarantee the right to protest, defining and applying protocols for the use of police action based on principles of legality, absolute necessity and proportionality.

3. Monitor that the security forces respect and protect the human rights of all people, especially those in its custody.

National Human Rights Commission

4. Carry out an investigation in accordance with the law to clarify the conditions of Giovanni López's death, and sanction and repair damages caused by the use of illegitimate, excessive and disproportionate force.

Given the seriousness of the facts, and in terms of the CNDH legislation, the President of this Commission has ordered to initiate the investigation ex officio and to attract the case —since these are alleged human rights violations that transcended National public opinion in order to investigate possible acts or omissions on part of public servants of the Municipal Police of Ixtlahuacán de los Membrillos, Jalisco, and the authorities and public servants of this federal entity, which by their nature could be especially ominous and constitute violations of human rights. The CNDH will carry out the necessary investigations to be able to integrate the complaint file and, in due course, issue the corresponding pronouncement in accordance with the law.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_170.pdf

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_175.pdf

Op. Cit. P. 5



⁴ Franco Martín del Campo, María Elisa. *Uso de la Fuerza por parte de agentes del Estado. Análisis desde el derecho internacional de los derechos humanos*. UNAM, IIJ-CNDH, México 2017. P. 4

⁶ *Op. Cit.* P. 15

National Human Rights Commission

Newsletter - June 2020

DGC/173/2020 June 8, 2020

The CNDH demands that due process be guaranteed in the case of the activist Kenia Inés Hernández Montalván, who was arrested with three teenagers on June 6, 2020, by police in State of Mexico. Commissioned personnel of the CNDH provide close accompaniment to the case, interviewing her.



The National Human Rights Commission (CNDH) demands the authorities of the State of Mexico to respect and guarantee due process on occasion of the arrest made by the local police to the activist Kenia Inés Hernández Montalván, coordinator of the "Zapata Vive" collective. She was traveling with three adolescents, and they were arrested on June 6 at around 10:20 p.m., in the vicinity of the toll booth known as "La Hortaliza", on the Toluca-Valle de Bravo public road.

The physical condition and personal integrity of the detainees was verified by the CNDH personnel, who gathered the necessary elements for the follow-up of the case, and verified subsequent release of the three teenagers. This Autonomous Organism considers essential that any authority of the Mexican State in the exercise of public power, grants the minimum assurances of due process to all the individuals subject to their jurisdiction.

The CNDH also reiterates the relevance of due process in the legal procedures to be faced by human rights defenders, since this is the only possible way to avoid that their complaints signify an instrument to hinder their own work.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM 2020 173.pdf DGC/176/2020 June 10, 2020

The CNDH expresses its concern at the death of Carlos Navarro Landa, at the San José police station in Xalapa, Veracruz.



As part of the monitoring that the National Human Rights Commission (CNDH) carries out through the National Mechanism for the Prevention of Torture (MNPT) in the 32 federal entities of the country, and the communications of government agencies and multilateral and civil organizations —where incidents of possible torture and other cruel, inhuman or degrading treatment or punishing are denounced—, on May 5, 2020, several journalistic notes were identified alluding to the arrest of Carlos Navarro Landa (33 years old) by the Veracruz state police. Hours later, Carlos was handed over lifeless to his relatives with multiple blows to the face and body.

The CNDH observes with concern the fact that the authorities in charge of citizen security use force in a manner incompatible with global human rights standards. In this, the police officers exhibit a lack of training, coordination, supervision and control of their actions, causing an irreparable damage to the lives and personal integrity of those in their custody.

This National Commission will follow the course of the complaint processed by the Commission of Human Rights of the State of Veracruz, with the aim of investigating, prosecuting and punishing those responsible for this reprehensible act.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_176.pdf

Newsletter - June 2020

DGC/177/2020 June 10, 2020

In observance to legality, the CNDH cannot file an unconstitutional action against the agreement on the existence of a permanent Armed Force to carry out extraordinary public security tasks, regulated, supervised, subordinated and complementary.

Recently, several voices have spoken out demanding the presentation of an unconstitutional action against the Agreement on the existence of a permanent Armed Force to carry out extraordinary public security tasks, regulated, supervised, subordinated and complementary, which was published in the *Official Gazette of the Federation* on May 11, 2020.

The National Human Rights Commission (CNDH) is not competent to promote unconstitutional action, it is legally disable as it is a Federal Executive Agreement and not a Law. Pursuant the Articles 105 of the *Political Constitution of the United Mexican States*, section 2, subsection G, and 15, section XI, of the *Law of the National Human Rights Commission*, as well as the content of the Regulatory law of sections I y II of the aforementioned constitutional article, the agreement is not considered as a cause to initiate the requested action.

In order to strengthen the consolidation of the legal framework governing the institution called National Guard, we do not omit to mention that this National Commission promoted before the Supreme Court of Justice of the Nation four actions of unconstitutionality —against laws related to the National Guard, the Use of Force, the Detention Record and the National Public Security System—. We are waiting for its Resolution. While being given, we will continue to be vigilant and, without a doubt, we will act against any violation of human rights in the context of the application of the aforementioned Agreement.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_177.pdf



DGC/178/2020 June 13, 2020

The CNDH initiates an ex officio investigation for the death of two Mexican agricultural workers on Ontario farms, Canada. They contracted the SARS-CoV-2 (Coronavirus), and die as a result of the Mexican migrants' working conditions due to COVID-19 pandemic, and to the alleged lack of attention from the Mexican Consulate in that city, dependent on the SRE.



The National Human Rights Commission (CNDH) issued an ex officio filing agreement on the occasion of the publications on June 1, 2, 3, 4 and 8, 2020, in electronic media. According to these notes, one of the deceased temporary workers was diagnosed with COVID-19 on May 21, and isolated himself in a hotel. As his health worsened, on the 31st of the same month he was transferred to a hospital, losing his life minutes later. The other national died on June 5, 2020, after his health deteriorate. The Mexican Consulate in Ontario was informed, without providing care and support.

Due to the seriousness of these alleged events, the President of the CNDH ordered to initiate an ex officio investigation —since is a case of alleged human rights violations to the detriment of Mexicans abroad who do not receive adequate attention from the consular authority with the purpose of examine possible acts or omissions committed by public servants of the Ministry of Foreign Affairs (SRE).

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_178.pdf DGC/183/2020 June 16, 2020

Four years after the publication of the *National Law on Criminal Execution*, the CNDH calls for strengthening coordination between institutions to guarantee the effective social reintegration of people deprived of their liberty.

Four years after the publication of the *National Law on Criminal Execution* (LNEP) on the *Official Gazette of the Federation*, this the National Human Rights Commission (CNDH) emphasizes the importance of its integral implementation.

This norm harmoniously addresses global standards on the matter and the recommendations of international organizations. The CNDH identifies the complexity involved in its implementation, which derives from

articles of the provisions of its transitory articles that establish a *vacatio legis*⁷ of up to two years for a large number of articles.

The current situation derived from COVID-19 pandemic has revealed, for example, the need to accelerate the processes for the determination of anticipated freedoms, which maintains a rigid criteria and arduous bureaucratization,

delaying its granting and pledge.

This National Organism recognizes the great successes that this rule has brought for the improvement of the penitentiary system. However, the publication of the LNEP has not been enough to reduce old structural problems, as shown by the National Diagnosis of Penitentiary Supervision, published by the CNDH every year.

The results show that, mostly, security and custody personnel are not sufficient; labour and training activities are scarce or non-existent; material and hygienic conditions in the facilities for housing persons deprived from their liberty are deficient; there is no separation between defendants and convicts, and programmes for

7 The period from the publication of a standard to its entry into force.

the prevention of addictions and voluntary detoxification are few and limited. All of these makes inoperative what was proposed in the LNEP.

On the other hand, although to a lesser extent, there are not enough channels for the referral of complaints of probable human rights' violations, since there are illegal activities, collections (extortion and bribes), overpopulation, self-government, overcrowding and deficient separation between women and men, among other serious problems.

The full participation of the inter-secretariat commissions is essential. By 2019 — when the General Recommendation 38/2019 for non-compliance of the obligations of the inter-ministerial commissions foreseen in the LNEP, guarantors of the rights of persons deprived of their liberty, was published— the Federal Penitentiary System and seven states (Chiapas, Colima, Puebla, Quintana Roo, Tabasco, Tamaulipas, Zacatecas) were

still not part of its intersecretariat commissions. Thus, having fulfilled the four-year term provided for in the regulation of their integration, a failure to comply with the term indicated in transitory articles of the law is observed, affecting the objectives co-responsibility in the light of parameters accessibility. progressiveness and adaptability in accordance with the needs of persons

for in of the second se

deprived of their liberty, under a differential and specialized approach and in conditions of equality and dignity.

The CNDH insists on reinforcing coordination between the prison Authority and the criminal execution judge in order to have a better understanding of the problems inherent in the prison system, and to broaden the scope of their rulings—, thereby affirming the human rights of persons deprived of their liberty. It also calls for periodic visits to prisons and ascertain the conditions prevailing there, observing whether they are compatible with human dignity of persons in detention in order, among other things, to guarantee the right to effective social reintegration.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_183.pdf DGC/185/2020 June 21, 2020

In order to guarantee the human rights, the CNDH urges the H. Congress of the Union to define, as soon as possible, the terms Extraordinary, Regulated, Controlled, Subordinated and Complementary referred to in the Fifth Transitory of the Decree modifying the *Political Constitution of the United Mexican States* in matters of the National Guard and the disposition of the permanent Armed Force in public security tasks.



The Fifth Transitory of the Decree that modifies several articles from the Political Constitution of the United Mexican States in matters of the National Guard published in the Official Gazette of the Federation on March 26, 2019—, establishes the conditions through which the Federal Executive will be able to dispose of the permanent Armed Force for the performance of public security tasks, as the National Guard develops its structure and capabilities. This performance must be Extraordinary, Regulated, Controlled, Subordinated and Complementary, conditions that were established by the Inter-American Court of Human Rights in the case of Alvarado Espinoza and Others vs. Mexico, paragraph 182, where it also reaffirms the following: the exceptional participation of the Armed Forces in public security tasks should only occur on the basis of these criteria.

This lack of precision in its operational application gives rise to legal loopholes that can lead to violations of the right to public security, since it has not been specified by law under which parameters or principles of exceptionality the permanent Armed Force shall participate in the public security tasks: that is, in which cases or under which circumstances, and which will be the instance or body that will control this performance.

Likewise, the National Guard Law did not define or establish the specific or defining elements regarding the subordination and complementation of the permanent Armed Force actions when supporting the work in question, among other aspects. All of this is pointed out so as to provide clarity on the cases in which its participation would be possible.

It is reiterated that the CNDH will follow up on the participation of the permanent Armed Force in public security functions, in order to comply with the mandate to protect, observe, promote, study and disseminate the human rights protected by the Mexican legal system.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_185.pdf



DGC/193/2020 June 26,2020

The CNDH urgently calls on the government of the state of Oaxaca to comply with precautionary measures decreed in favour of the inhabitants of the municipality of San Mateo del Mar.

On the occasion of the events of June 21 and 22, 2020, in the Municipality of San Mateo del Mar, Oaxaca, where several community members lost their lives and others were injured, the national Human Rights Commission (CNDH) strongly urges the Oaxaca government to urgently put in place the protection and safeguarding of lives, personal integrity and security of local people.

The CNDH deeply grieves this violence actions and encourages the urgent intervention by the Government of Oaxaca, the State Attorney General's Office and the Secretariat of Public Security, to investigate the facts in accordance with due process and in an effective manner favourable to the clarification of the facts constituting offences against the inhabitants of the aforementioned municipality.

This Autonomous Constitutional Organism notes that, in accordance with Article 1 of the *Political Constitution of the United Mexican States*, all authorities, without an exception and in all the orders of government, within their respective competences have a legal duty to promote, respect, protect and guarantee human rights in harmony with the principles of universality, interdependence, indivisibility and progressiveness. Consequently, the State must prevent, investigate, sanction and repair the violations of these rights corresponding to the terms established by law.

Beside, in cases where indigenous peoples and communities are affected, the Convention 169 of the International Labour Organization emphasizes the Government's responsibility to protect and guarantee its fundamental rights. In addition, with regard to the obligation of the State to provide security to individuals, the Inter-American Commission on Human Rights has stated that Police is a fundamental institution for the enforcement of the rule of law and the insurance of people security.

In this regard, the CNDH, in order to protect and guarantee the human rights, particularly the victims' ones, made an urgent request to the Government of the State of Oaxaca to comply with the precautionary measure issued in order to guarantee the life, personal integrity, heritage and safety of the inhabitants of the municipality of San Mateo del Mar, as well to provide medical and psychological care, and legal advice, to the relatives of the victims, and to determine the exercise of criminal proceedings linked to the facts constituting crimes and the liability of the persons involved. All this in accordance with the criteria of promptness, expedited justice, gender perspective and due diligence. On June 25, 2020, the precautionary measures were accepted by the State Government and the Oaxaca Attorney General's Office.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_186.pdf

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_193.pdf



Newsletter - June 2020

DGC/197/2020 June 29, 2020



The CNDH laments the discriminatory expressions against the municipality of Putla Villa de Guerrero, seat of the Mixteco-Triqui community of Oaxaca.

In Mexico, every person has the human right to freedom of thought and speech, for exercising this guarantee underpins the National Popular Sovereignty. However, personal freedom has a limit when its actions and expressions affect someone else, others.

In the light of this premise, the National Human Rights Commission (CNDH) emits a sense of estrangement and deeply regrets offensive and discriminatory words spoken by Jorge Castañeda Gutman —intellectual, writer, media commentator and former Mexican foreign minister during the period 2000-2003—, in an open TV talk show broadcast on June 25, in which he described the indigenous Mixteco-Triqui municipality of Putla Villa de Guerrero, Oaxaca, as "horrific and suburban small town", in the context of an analysis of the labour of Cuban doctors in the fight against the COVID-19 pandemic in our country. These comments attack the dignity and integrity of the Mixteco-Triqui people of Oaxaca, who throughout history have worked and fought with exemplary perseverance to erect and enlarge its great culture challenging the adversities of its surroundings, but above all, confronting the exclusion and absence of the Mexican State. Freedom of speech and thought must be exercised with the responsibility and respect that our time and circumstances require.

For this reason, the CNDH urges Mexican society to carry out an exercise of reflection and objective evaluation on the enormous capital of freedoms, rights and democracy that distinguishes our country. Above all, to think about what every Mexican, women and men, can do to enrich this legacy.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ COM_2020_197.pdf

Recommendations

Recommendation	Case Topic	Authority
Recommendation No. 9/2020 June 4, 2020 https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/ REC_2020_009.pdf	Violation of the rights to personal integrity and housing. Cause: Undue proximity of high voltage lines. Place: Apartment building in Nuevo Laredo, Tamaulipas.	Federal Electricity Commission (CFE): General Director CFE Distribution: General Director City Council of Nuevo Laredo, Tam- aulipas.
Recommendation No. 10/2020 June 12, 2020 https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/ REC_2020_010.pdf	Inadequacies affecting the human rights of women deprived of their liberty in prisons in the state of Tabasco.	Government of the State of Tabasco
Recommendation No. 11/2020 June 12, 2020 https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/ REC_2020_011.pdf	Shortcomings affecting the human rights of women deprived of their liberty in prisons in the state of Quintana Roo.	Government of the State of Quin- tana Roo



Recommendations

		Г
Recommendation No. 12/2020 June 12, G2020	Lack of timely specialized medical care and treatment, and omission of duty of care, which resulted in victim's death.	Descentralized Administrative Body for Prevention and Social Rehabili- tation
https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/ REC_2020_012.pdf	Place: Federal Centre for Social Rehabilitation in Tepic, Nayarit.	
Recommendation No. 13/2020	Violations of human rights to personal integ- rity and dignity, for torture committed against	Secretary of Security and Citizen Protection
June 22, 2020 https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/	the victim. It is attributed to public servants of the Federal police. Also for violation of the victim's right to legal security, which in this case is attributable to Federation ministerial	General Attorney's Office
<u>REC_2020_013.pdf</u>	personnel.	SEGURIDAD SECRETARÍA DE SEGURIDAD V PROTECCIÓN CIUDADANA
		FISCALIA GENERAL EL A REPUBLICA
Recommendation No. 14/2020 June 23, 2020 https://www.cndh.org.mx/sites/de- fault/files/documentos/2020-06/ REC 2020 014.pdf	Violations of human right to health protection for those working in the health sector, in the context of the COVID-19 pandemic. Also, of the right to privacy by hospital personnel, in tort of two victims and one complainant and victim.	General Director
	Place: General Hospital Aquiles Calles Ramírez, ISSSTE, in Tepic, Nayarit.	ISSSTE

Recommendations

18



June 2, 2020

GENERAL REPORT



For the National Human Rights Commission (CNDH), one of the pandemic lessons is the urgency to invest in health care and social protection services for the most vulnerable sectors, especially after the confinement measures showed the deep implications of gender violence and its consequences on women's mental health.



CASES OF GENDER VIOLENCE (Until May 19-29)

After analysing various reports on labour issues, it was concluded that the return to New Normality requires planning that allows a gradual adaptation to prevention measures and rules of coexistence. Based on reliable and available health data, Health and Labour authorities must develop and transparent those concepts that allow a better understanding of which are the substantial measures and who is in risk. Likewise, the CNDH supports the call to keep health personnel who fight the pandemic on the front line safe and free of infection.



INSTITUTIONS THAT DENY HOUSEKEEPING AS A SECURITY MEASURE (Until May 18-24)



INSTITUTIONS THET DO NOT PROVIDE HYGIENE AND SAFETY SUPPLIES IN FACE OF HEALTH CONTOINGENCY FOR COVID-19 (Until May 18-24)

The CNDH is also vigilant of the conditions in the hospital infrastructure, because to face an increase in infections



FAILURE TO SUPPLY MEDICATIONS (Until May 18-24)



FAILURE TO PROVIDE MEDICAL CARE (Until May 18-24)]

Now a days, this National Commission continues to monitor complaints of non-compliance in the delivery of financial assistance to the elderly and disable, as they represent an economic support to meet needs and continue to be part of daily and active life, playing a prominnet role witin their families.



RESPONSIBLE AUTHORITY: SECRETARIAT OF WELFARE)

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/Reporte_DH_6_2020.pdf

there must be a sufficient response capacity as the first condition to renew activities.



GENERAL REPORT

The National Human Rights Commission (CNDH) exercise vigilance so that, while the economy is reactivated, all Government's levels guarantee income supports and protection for workers and employers.

Male and female workers have the right to a safe workplace, to have the alternative of self-isolation in case of contagion, conditions to work remotely, advice in the event of dismissal or temporary leave, and access to government aid and emergency programs.

Monitoring behaviour patterns among employers that lead to harassment and intimidation campaigns or illegal behaviour, is a priority. The imposition of unpredictable dismissals appealing to unsustainable economic situations or for simple selective behaviours, is a risk.

Quejas Por Acoso Laboral	POLICÍA MUNICIPAL DE BOCA DEL RÍO, VERACRUZ. SECRETARÍA DE SALUD
(Corte 25-31 De Mayo)	INSTITUTO MEXICANO DEL SEGURO SOCIAL
• •	INICIATIVA PRIVADA
	SECRETARÍA DE LA DEFENSA NACIONAL (3)

INSTITUTIONS WITH COMPLAINTS OF WORKPLACE HARASSMENT (Until May 25-31)

Quejas Por Despido	UNIVERSIDAD TECNOLÓGICA XICOTEPEC
Injustificado	SECRETARÍA DE EDUCACIÓN BAJA CALIFORNIA
(Corte 25-31 De	SERVICIO POSTAL MEXICANO
Mayo)	SECRETARÍA DE SALUD SONORA
	SECRETARÍA DE SALUD EDOMEX
	COMISIÓN FEDERAL DE ELECTRICIDAD
	SECRETARÍA DE LA MARINA
	SECRETARÍA DE LA DEFENSA NACIONAL
	SECRETARÍA DEL BIENESTAR

INSTITUTIONS WITH COMPLAINTS OF UNFAIR DISMISSAL (Until May 25-31)

21

Furthermore, after the National emergency migration trends will not stop, they will only change. For this reason, this Organism also ensures that uncertainty and contagion risks are not promoted among migrants, people who exercise their right to seek protection. As restrictions are lifted, there will be an increase in migration, so it is essential to create conditions for the new coexistence rules.

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/ Reporte_DH_7_2020.pdf

June 19, 2020

GENERAL REPORT

The pandemic disrupted the supply chain for certain medical provisions and equipment, as demand prompts clinics and hospitals to increase costs to treat patients with coronavirus. The important thing is the ability to provide medical coverage and supply of medications, either for COVID-19 condition or for any other.



ACCUMULATED COMPLAINTS (JUNE)

Newsletter - June 2020

National Human Rights Commission

The risk of having fragile health systems is that other epidemics, such as cholera and measles, may arise, caused by lack of access to safe and clean water. Hygiene and guarantee of vital liquid are substantial elements in the fight against the spread of the SARS-CoV-2 virus. The deficiency in the supply of electrical energy is substantial for those who are confined to their homes, working remotely and using the internet to supply their households. It is also important for the certainty of preserving basic devices, such as light bulbs, washing machines and refrigerators.



TOTAL COMPLAINTS FOR LACK OF WATER, ELECTRIC CURRENT SUSPENSION AND EXCESSIVE CHARGE FOR SERVICES

Amidst the COVID-19 crisis, the clousure of schools, the switch to online classes and restructuring of assessment methods, the educational system requires deep organization so that its authorities can guarantee that students do not suffer negatives effects while moving from one school level to another, neither in administrative matters and, much less, in financial ones.



EDUCATIONAL SYSTEM: TOTAL COMPLAINTS BY RESPONSIBLE AUTHORIOTY

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/Reporte_DH_8_2020.pdf

June 23, 2020 GENERAL REPORT

To the National Human Rights Commission (CNDH), assuming the commitment to follow up on the participation of the permanent Armed Forces in public security functions in order to fulfil the mandate to protect, observe, promote, study and disclose the human rights sheltered by the Mexican legal order, results in an indispensable auxiliary observance in the prevention of situations that violate the due protection of the people of Mexico.

www.cndh.org.mx

UTORIDAD SEÑALADA COMO RESPONSABLE	TIPO DE QUEJA
SEDENA	CATEO ILEGAL
SEDENA	DETENCIÓN ILEGAL
SEDENA	AMENAZAS
SSP NAUCALPAN	DETENCIÓN ILEGAL
SEMAR	ABUSO
SEMAR	DETENCIÓN ILEGAL
GN	AMENAZAS
GN	GOLPES DURANTE DETENCIÓN
GN	CATEO ILEGAL Y ACOSO
GN	AGRESIÓN FÍSICA
GN	RETENCIÓN ILEGAL
GN	DETENCIÓN ILEGAL

República de Cuba No. 60 Centro Histórico Ciudad de México.

COMPLAINTS about actions of the armed forces (Until June 8-14)

National Human Rights Commission

The Health System is also monitored for timely patients' care, not endanger their dignity, and support their relief, cure and recovery, emphasizing attention to permanent

prevention strategies, universal access to medicines and work in programs against stigmatization for certain diseases.

AUTORIDAD SEÑALADA COMO RESPONSABLE	TIPO DE TRATAMIENTO QUE SE NIEGA
IMSS	Aplicación de quimioterapia
IMSS	Negar tratamiento para cáncer
IMSS	Aplicar tratamiento para Lupus
ISSSTE	Aplicación de quimioterapia
CAPACIT SSA YUCATÁN	Aplicación de tratamiento VIH
ISSSTE	Aplicación de tratamiento Esclerosis Múltiple
IMSS MORELIA	Tratamiento para Cáncer
IMSS	Aplicación de tratamiento VIH
IMSS	Tratamiento para Cáncer
IMSS	Desabasto medicamentos VIH

HEALTH SYSTEM AUTHORITIES SINGLES OUT FOR DENYING SOME TYPE OF TREATMENT (JUNE)

This National Organism also focuses efforts on promoting freedom of speech and protection for journalists and human rights civil defenders, and encourages and supports the dissemination of reliable information. However, after the pandemic, the impact of the contingency on transparency and freedom needs to be addressed. With technological advancement, freedom of speech has taken new repressive forms. Know more than ever, firm and immediate action is required against any type of violation to the aforementioned freedom, to denounce violence against journalists and defenders and, by authorities, to identify and prosecute those responsible.



PROGRAM OF TORTS TO JOURNALISTS AND CIVIL DEFENDERS OF HUMAN RIGHTS S (JUNE 12-18)

In follow-up of the case of COVID-2019 contagion at the Psychiatric Hospital Samuel Moreno Ramírez, local management personnel reported that a sample was taken from 33 people. Up to June 15, 2020, they have the following results:

- Negative or Abnormal: 3
- Positive or Normal: 22
- Inconclusive or Uncertain: 3
- Pending Tests: 4
- Number of rejections due to lack of reagents: 1 person

https://www.cndh.org.mx/sites/default/files/documentos/2020-06/Reporte_DH_9_2020.pdf



Know your Human Rights EDUCA CNDH

One of the CNDH objectives is to contribute to create a culture of human rights respect through the education and tutoring of people; therefore, the general Directorate for Human Rights Education of the Technical Secretariat of the Advisory Council offers a series of On-site and online educational activities, through its "EDUCA CNDH" entrance.

We invite you to explore our page and learn about our face-to-face and on distance educational offer. Courses, workshops diplomas and conferences provide an overview of human rights, facilitating their understanding and highlighting the importance of respecting them in all the settings of our daily life.

Free online Education

https://educa.cndh.org.mx/



ATENCION

CNDH ATIENDE

ESENTA TU QUEJA

2º

RESENTAR UNA QUEJA

App CNDH ATTENDS



The **free APP** where people can enter a complaint online when their human rights have been violated by actions or omissions from an Authority or public servant.

Also, a space to know, according to the attention to a complaint, the procedural status of previously registered human rights matters.

Available in iOS y Android.

=	Presenta	tu queja	
Descri	ipcion de los	hechos ocu	rridos
Descripción			
Lugar o local	idad*		
Entidad fede	rativa*		
Municipio*			
	i) que considen s) que conside		
	PÚBLICO(S) QUE) público(S) QUE ((S)		
Adjuntar arc	hivos		Ð



App COVID-19 Monitoring

Tendencies

This App is developed to explain the general data about the COVID-19 pandemic. It presents international and national information from official sources, as well as an overview of the exposure and vulnerability of the Mexican population. The material presented in this application is updated in real time depending on the source. International information is renovated hourly; national cases info is updated daily, and diagnostic information is described annually.



26

https://www.cndh.org.mx/web/aplicacion-para-el-monitoreo-del-covid-19



COVID-19, PUSHING CHILDREN INTO CHIL LABOUR

Millions more children are in risk of being pushed into child labour as a result of the COVID-19 pandemic.

According to a new brief form International Labour Organization (ILO) and UNICEF, millions more children are in risk of being hard-pressed into child labour as a result of COVID-19 contingency, which could lead to the first rise in child labour after 20 years of advancement.

This document —*COVID-19 and child labour: A time of crisis, a time to act*— shows that child labour decreased by 94 million since 2000, but that gain is now at risk. Children already in child labour may be working longer hours or under worsening conditions. More of those girls and boys may be forced into the worst forms of labour, which causes significant harm to their health and safety.

The brief stays that COVID-19 pandemic could result in a rise in poverty and therefore to an

increase in child labour as households use every available means to survive.

Some studies show that a one percentage point rise in poverty leads to at least 0.7% increase in child work. Evidence is gradually mounting that this situation is intensifying as schools close during the pandemic. A more comprehensive social protection, easier access to credit for poor households, the promotion of decent work for adults, and procedures to get children back into school without extra costs, are some measures to counter the threat of increased child labour.

https://www.ilo.org/global/about-the-ilo/newsroom/news/ WCMS_747587/lang--es/index.htm



Book of the Month

Free at Last: The U.S. Civil Rights Movement

Paperback: 72 páginas

Editor: CreateSpace Independent Publishing Platform

ISBN-10: 1507796188

ISBN-13: 978-1507796184

This book, a publication of the U.S. Department of State, recounts how African-American slaves and their descendants struggled to win — both in law and in practice — the civil rights enjoyed by other Americans. It is a story of dignified persistence and struggle, a story that produced great heroes and heroines, and one that ultimately succeeded by forcing Americans to confront squarely the shameful gap between their universal principles of equality and justice and the inequality, injustice, and oppression faced by millions of their fellow citizens. Contains full colour illustrations, and includes sections on Black Soldiers in the Civil War, Marcus Garvey, Ralph Johnson Bunche, Jackie Robinson, Rosa Parks, Medgar Evers and the Bloody Sunday in Selma.

https://www.amazon.com/Free-Last-Civil-Rights-Movement/dp/1507796188

National Human Rights Commission





THE CNDH PROMOTES AND PROTECTS YOUR RIGHTS

EXECUTIVE SECRETARIAT República de Cuba #60, Centro Histórico, Cuauhtémoc, C.P. 06010, Ciudad de México.

> Telephones: (52 55) 55127294 Ext. 4243 (55) 56 81 81 25 y 54 90 74 00 Free of charge Lada: 01 800 715 2000

> > E-MAIL: Inavaa@cndh.org.mx

> > > 28

President Rosario Piedra Ibarra

First General Director José Martínez Cruz

Second General Director Carlos Fazio Varela

Third General Director Hilda Téllez Lino

Fourth General Director Javier López Sánchez

Fifth General Director Elizabeth Lara Rodríguez

Sixth General Director Edgar Sánchez Ramírez

Executive Secretary Francisco Estrada Correa

Technical Secretary of the Advisory Council Joaquín Narro Lobo