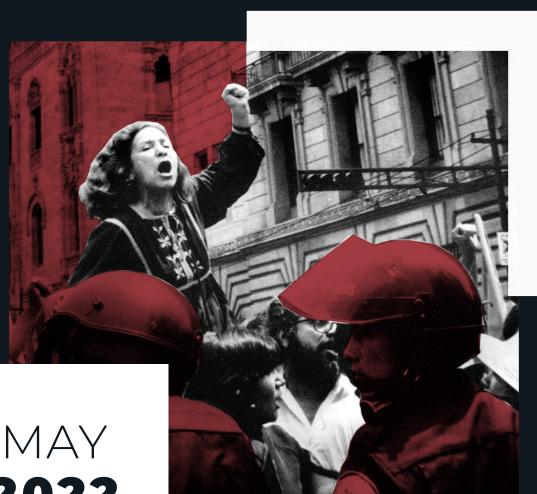


# News LETTER



2022



N° 351

#### Diseño y formación

Dirección General de Difusión de los Derechos Humanos

#### Compilación de contenido

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### **PROMOTION**

## THE VOICE OF THE PRESIDENT

The arduous struggle of my mother, Rosario Ibarra, was born this way, full of love and hope. Perhaps that is why she never seemed to tire. Her filial love was the spur that kept her hope alive and gave her the strength to face adversity and the pain produced by that perennial torture: the forced disappearance of her son, Jesús Piedra. But there were also her convictions, her love for her country, her broad culture, her passion for literature and the emotion she felt reading and learning about the history of Mexico and its beautiful, suffering and stoic people. She was fascinated by the stories of heroes and heroines that her father, Engineer Valdemar Ibarra, had told her since she was a child. She admired Giordano Bruno; Spartacus, the Thracian slave who confronted the Roman Empire to obtain his freedom and that of his companions and died crucified. My mother told us with great emotion about the death of Spartacus on the cross and his last words before dying: "I will return and I will be millions".

That was Rosario Ibarra, my mother.

You will then understand why, since I assumed the presidency of this body, I decided to transform the CNDH and turn it into a real ombudsman's office. You will also understand the enormous commitment that it implies for all of us who work in this institution to name the National Human Rights Center of this Commission after Rosario Ibarra de Piedra.

Full article: https://bit.ly/3JzuoNi







### CNDH pays tribute to Rosario Ibarra de Piedra's legacy

Paying tribute to the social activist, human rights pioneer and founder of the Eureka! Committee, Rosario Ibarra de Piedra, the president of the National Human Rights Commission (CNDH), María del Rosario Piedra Ibarra, called for an end to the maze of corruption and impunity faced by relatives of disappeared persons and, in general, by those who have suffered the violation of such prerogatives.

During the ceremony held at the National Centre for Human Rights (CENADEH), which from today bears the name of the activist, the president of this Commission expressed that, following the ideals and the struggle of those who, together with her mother, formed, during the decade of the seventies of the last century, the so-called Committee for the Defence of Prisoners, the Persecuted, Disappeared and Political Exiles, it is necessary to transform this National Body into a true Ombudsman's

Office, so that it can protect people from those public servants and officials who mock the pain of others, as well as the official lies, hypocrisy and threats to which they are subjected for demanding justice and respect for their dignity.

In the tribute to Rosario Ibarra de Piedra, she was accompanied by the writer Elena Poniatowska; the activist and member of the Eureka Committee, Concepción Ávila González and the presbyter Jesús Ramos Muñoz, also present were the directors of the six General Visitadurías of the CNDH; the executive secretary, Francisco Estrada Correa and staff of this institution.

Full article: https://bit.ly/3C3eRUa

# MECHANISMS FOR THE PROMOTION DE LA CULTURA OF HUMAN RIGHTS CULTURE

The National Human Rights Commission, through the Executive Secretariat, aware that one of the most effective ways to contribute to the construction of a human rights culture is to keep the population close and informed, provides the necessary tools that allow them to know what the attributions of this National Body are and the activities it carries out both inside and outside the country.

Through publications, forums and talks, among other tools, it offers society the possibility of keeping up to date with the work carried out by the CNDH, and with a host of issues that various institutions and national and international organisations address to promote the protection and defence of human rights, particularly of the most vulnerable groups, from different spheres, thereby encouraging exchange and reflection on international trends and the implementation of strategies in this area.

In this regard, through the Directorate of Analysis and Dissemination, it periodically issues the following electronic publications, which are available electronically on the institutional website:

which are available electronically on the institutional website:

https://www.cndh.org.mx/educacion/

publicaciones-periodicas



**PROMOTION** 







## GLOBAL PERSPECTIVE

A human rights dissemination weekly aimed at all audiences. Its content is thematic and includes relevant national news and international trends in the field of human rights, highlighting relevant activities of various Ombudsman's Offices in various countries. It also presents contributions with different perspectives from specialists, activists and human rights defenders, through reports, historical and contemporary articles, interviews, and forums, as well as the promotion and dissemination of national and international commemorations that contribute enriching the historical memory and disseminating the contributions of society and institutions to the recognition of human rights.

It includes a section on art and culture in the construction of Economic, Social, Cultural and Environmental Rights (ESCER) and suggests book and film recommendations in the context of the weekly theme.

As the name suggests, the topics are approached from a global perspective.

During the month of May, five editions of the weekly magazine "Perspectiva Global" were produced and published, available on the CNDH's website.

To consult Global Perspective click here: www.cndh.org.mx/Educacion/Perspectiva\_Global



# CARTA DE NOVEDADES Y NEWSLETTER

It is a monthly publication that mainly includes the activities carried out by the CNDH and in particular by its head, both nationally and internationally, actions in defence of human rights, summaries of the latest recommendations issued, some press releases and relevant documents. It also presents monthly trends on international cooperation actions, unconstitutionality, constitutional controversies, information mechanisms, education and promotion of human rights, among other tasks of the body. This electronic publication is widely consulted by organisations and institutions specialising in human rights, and is available on the Ombudsman's website, as well as in its English version: *Newsletter*.

To consult the News Letter in English and Spanish, click here: www. cartadenovedades.cndh.org.mx/inicio















## COMMEMORATIVE DATES

In order to publicise national and international days, weeks, years and decades, chronicles are prepared for publication on the CNDH's website. Here you will find information on the most representative events, events or relevant facts related to human rights and other related topics, both nationally and internationally; historical memory, which offers a reminder of the organization, struggles and social movements in the face of complaints and violations of fundamental rights,

as well as the contributions that have generated the emergence and recognition of human rights that prioritise human dignity.

Some of the relevant dates of January refer to the armed uprising of the Zapatista Army of National Liberation (EZLN); Margarita Maza de Juárez, promoter of liberalism; Strike in the textile factory of Río Blanco, Veracruz; Matilde Montoya Lafragua, first Mexican doctor; George Orwell, writer who fought for political dignity; José Martí, poet, writer, ideologist and Cuban revolutionary; School Day of Nonviolence and Peace; among other dates.

 $\label{lem:commemorative} Commemorative \ dates \ available \ at: Fechas \ Relevantes, click \ here: \\ www.cndh.org.mx/fechas$ 



#### RECOMMENDATIONS

The National Human Rights Commission (CNDH) issued General Recommendation 46/2022, in order to take action to ensure that the state guarantees the right to truth, memory and, above all, democracy and the full exercise of human rights in Mexico

General Recommendation 46/2022 is based on the work carried out by the Special Office to Investigate Repression and Enforced Disappearances due to State Political Violence in the Recent Past, in the period (1951-1965), in order to shed light on the acts of violent repression carried out by the Mexican State. This historically represents the beginning of the "political violence of the state, also known as the Dirty War". In that period, these acts were deployed especially against the movement known as "Henriquismo", targeting the militants and sympathisers of the Federation of Mexican People's Parties (FPPM), and whose objective was to avoid any competition or risk of democracy by strengthening the political and electoral predominance of the Institutional Revolutionary Party (PRI). Taking advantage of the regulations conceived for a time of war, the state carried out multiple human rights violations, including arbitrary detentions, forced disappearances and extrajudicial executions. The army and institutions such as the Federal Security Directorate, the Presidential General Staff and other clandestine groups were used for this purpose. The counter-insurgency complex is referred to as the coordination of the state's repressive corporations. In addition, in order to cover up its actions, it encouraged the disappearance of evidence and archives that would allow the identification of both the crimes and the offenders, and thus push the facts into social and historical oblivion.

Therefore. this National Commission recommended that the Heads of the Federal Executive Power and of the Federal States, the Ministry of the Interior and the Ministry of National Defence carry out public policies to recognise the serious human rights violations perpetrated by the State in the period from 1951 to 1965, as well as a plan to recover the memory and the historical truth of these violations; the construction of sites of memory that allow citizens to locate them and learn about the serious human rights violations perpetrated in the period 1951 to 1965 for reasons of political violence, as well as their dissemination in publications and mass communication programmes.

To the Heads of the corresponding bodies, that all military and naval academies and schools, the National Guard and police training centres, include human rights with a historical perspective in their curricula. To the H. Congress of the Union to carry out modifications to the current legal framework, to incorporate the criminal offence of temporary forced disappearance in order to guarantee the full exercise of democracy by the Mexican people, as well as a body that is truly autonomous from any power, constituted or de facto, legal or supra-legal, to ensure the transparency of the electoral process. Revise the regulations of the Mexican armed forces, to adapt them to the highest human rights standards and those of the National Guard, in order to guarantee their civilian nature; revise the Law of the National Human Rights Commission, strengthening its functions so that the authorities accept and comply with the recommendations made to them, without this depending on their will or decision. Also, to turn it into a People's Rights Ombudsman, as demanded by those who participated in the political and social movements addressed in the General Recommendation.

To the State Congresses, the elimination of any crime affecting the rights of assembly and association, free demonstration and freedom of expression, as well as any other that could be used for political persecution, guaranteeing that there is no norm that limits or restricts individual guarantees or the exercise of rights.

To the Ministry of Public Education, the inclusion of the serious human rights violations committed by the state during this period in curricula and free textbooks. To the National Electoral Institute, to strengthen the political party system and, above all, to ensure that citizens can exercise their political and electoral rights.

To consult the other recommendations issued by the CNDH to the different authorities in the country: https://bit.ly/3Q62407 https://bit.ly/3wowotR



# 76 Precommendation

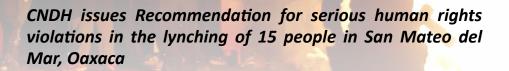
### CNDH recommends that SEMAR and FGJEM make full reparation for damages to victims of torture and sexual violence

CNDH issued the RECOMENDATION no. 76/2022 on the case of violations of human rights to legal security due to arbitrary detention and illegal retention.

During its investigation, the CNDH established that the members of SEMAR violated the victim's human rights to liberty and legal security; and that, together with the ministerial police of the PGJ-EM, they violated her rights to personal integrity and security, through acts of torture and sexual violence, which caused her physical and psychological harm, as established by the psychological and medical expert reports, in accordance with the Istanbul Protocol, prepared by personnel authorised by the Federal Judiciary Council. Therefore, the CNDH recommended that the SEMAR and the FGJEM, in coordination with the Executive Commission for Attention to Victims, provide full reparation for the damage to the direct victim and to the indirect victims who can prove their status as such,

including fair and efficient compensation, in terms of the General Victims Law, through registration in the National Register of Victims. Likewise, they should be granted the necessary comprehensive medical and psychological care.

In view of what has happened, it requests that they collaborate extensively in the presentation and follow-up of the complaint of facts that this Autonomous Body presents before the Attorney General's Office and before the FGJEM, so that the responsibility of the public servants who participated in the facts may be investigated and determined in accordance with the law; and that a training course on human rights and gender perspective be designed and given to the public servants who participated in the facts, in the event that they continue to be assigned to the aforementioned agencies.



The investigation carried out by the staff of this National Commission determined the existence of previous situations that influenced and detonated the acts of violence, including political-electoral conflicts between inhabitants of both municipalities and the imprisonment of five women for exercising their right to vote.

For this Autonomous Body, the occurrence of phenomena such as lynchings requires immediate and urgent action, given the high risk to security and socio-political stability and, in this sense, the federal authorities should have called on the public security authorities.

In view of what happened, it is requested that, jointly, the Secretariat of Security and Citizen Protection and the state government make full reparation for the damage caused to the indirect victims of the deaths and to the surviving victims, including the payment of fair and sufficient compensation, as well as the provision of comprehensive medical, psychological and thanatological care, taking into account their age, needs and culture.



## CNDH recommends full reparation of damages for relatives of a person who died due to poor medical care in HGZ-194, in EDOMEX

The medical opinion prepared by the staff of this National Commission states that the staff of the the hospital that treated the victim committed several omissions, such as not indicating laboratory and cabinet studies. The person's health continued to deteriorate, without these actions being carried out, until he sadly died on 17 May 2018.

Based on the above, the CNDH issued a series of recommendations to the IMSS to proceed with the reparation of damages to the victim's family, to carry out the procedure for registration in the National Register of Victims, to collaborate with the Attorney General's Office in the presentation and follow-up of the complaint that this National Body formulates and with the Internal Control Body of the IMSS, regarding the complaint that this National Commission will present.

recommendation

## CNDH addresses recommendation to PROFECO and OADPRS for the prices of products offered in shops inside CEFERESOS

The National Human Rights Commission (CNDH) issued Recommendation 78/2022 to the head of the Decentralised Administrative Body for Prevention and Social Readaptation (OADPRS), as well as to the head of the Federal Consumer Protection Agency (PROFECO), derived from complaints filed by thirteen persons deprived of liberty in CEFERESO number 5 of Villa Aldama, in the state of Veracruz, related to excessive prices of products offered in the shop inside this penitentiary centre.

This Autonomous Body was able to document that since June 2018 there has been an agreement for the regulation of prices, signed between PROFECO, OADPRS and the company in charge of the shop inside the CEFERESO, which, although it is multi-year, is not in force. Therefore, given these facts, the CNDH requested the commissioner of OADPRS and the head of PROFECO to update the collaboration agreement, to consider respect for the human rights of persons deprived of liberty, and to ensure that the guidelines for price control are effective, considering the lowest prices available on the national market.

# 79 Precommendation

CNDH issues recommendation to the SSPC for illegal detention and torture of a victim, committed by members of the now defunct Federal Police

CNDH staff determined the responsibility of 14 members of the now defunct Federal Police, after it was proven that they detained the victim for 48 hours before handing him over to the competent authority. In addition, the Istanbul Protocol was consistent with the victim's statement regarding the treatment received and the injuries and sequelae presented.

In view of these facts, the CNDH requests the Secretary of Security and Citizen Protection to proceed with the full reparation of the damage, to register the affected person in the National Registry of Victims and to collaborate in the presentation and follow-up of the complaint that the autonomous body presents to the Attorney General's Office, as well as to implement a training course on the eradication of torture and other cruel, inhuman and degrading treatment.

POLICÍA

CNDH requests full reparation for two people whose newborn daughter died due to poor medical care at two IMSS hospitals in Chiapas

(CNDH) issued a Recommendation to the director general of the Mexican Institute of Social Security (IMSS), for the omissions in the medical care provided to a woman during childbirth and later to her newborn, violating human rights to the detriment of both, actions attributable to hospital staff.

The CNDH requests the IMSS, in coordination with the Executive Commission for Attention to Victims, to proceed with the reparation of damages to the parents of the minor, in terms of the General Law on Victims, and to carry out the procedure for her inscription in the National Register of Victims; it requests that training courses on human rights be designed and given to personnel, including management, doctors, residents and social work in both hospitals, on the necessary topics to avoid the repetition of events such as those that gave rise to this Recommendation.



Know more

URGENCIAS TO THE PROPERTY OF T

The National Human Rights Commission (CNDH) issued Recommendation 81/2022 to the director general of the Mexican Social Security Institute (IMSS), as well as to the head of the Mexico City Ministry of Health (SS-CDMX), following a complaint filed with the Commission

On 3 May 2019, the victim was admitted to the SS-CDMX Emiliano Zapata Hospital, where she was initially diagnosed. She was then admitted to the Moctezuma Paediatric Hospital, also belonging to the SS-CDMX, where she was transferred to the Intensive Care Unit. Subsequently, she was treated at the General Area Hospital 53 (HGZ-53) of the IMSS, and finally transferred to the National Medical Centre La Raza, where they identified that her symptoms could be related to a neurological condition, which is why she was hospitalised.

In three of the institutions, omissions were committed that caused her to lose her life due to a tumour that was not diagnosed and treated in a timely and adequate manner. Likewise, it was detected that the clinical file presented various irregularities, for which reason this Autonomous Body issued the present Recommendation in which it requests the general director of the IMSS and the secretary of SS-CDMX to repair the damage to the indirect victims, and to provide them with psychological and thanatological care, to collaborate in the presentation and follow-up of the complaints filed by the CNDH and that, in appropriate cases, medical personnel be requested to submit copies of their certification and recertification to prove that they have sufficient experience and knowledge to be able to provide quality service.

## CNDH issues Recommendation to IMSS for inadequate medical care given to elderly woman who died after receiving wrong diagnoses at UMF 13, in Chihuahua

The National Human Rights Commission (CNDH) issued a recommendation to the director general of the Mexican Social Security Institute (IMSS) for violating the human rights to health protection and to life of an elderly woman, who on two occasions went to Family Medicine Unit 13 (UMF 13) of the IMSS, and repeatedly received wrong diagnoses and inadequate medical care, causing complications in her state of health and her subsequent death.

As a result of the above, the CNDH requests the director general of the IMSS to provide

the affected persons with full reparation for the damage caused, the medical, psychological and thanatological care required, as well as to design and teach a training course on human rights, which considers the principles of accessibility, availability and quality, related to the right to health protection, as well as compliance with the Official Mexican Standard for the integration of the clinical record.



# 83 Precommendation

### CNDH requests the Guerrero attorney general's office to provide medical and psychological care to two torture victims

The National Human Rights Commission addressed Recommendation (CNDH) 83/2022 to the attorney general of the state of Guerrero, due to the nonacceptance of a recommendation issued by the Human Rights Commission of the State of Guerrero (CDHEG). According to the CDHEG, on 16 July 2014, four agents of the Attorney General's Office detained the victims in Taxco de Alarcón and took them to a place where they were subjected to physical violence and threats in order to force them to sign various documents. Despite the fact that the responsibility of the staff of the local Prosecutor's Office in violations of fundamental rights through acts of torture was accredited, this body refused to accept the Recommendation, for which reason the victims filed an appeal before this National Body.

With the analysis of the evidence of the case, carried out by experts from the CNDH, violations of the human rights to legal security and personal integrity were confirmed. Therefore, in its recommendation, this National Commission requests that the victims be granted full compensation and/or indemnification, appropriate and proportional to the damage suffered; to collaborate extensively in the presentation and follow-up of the complaints presented by the CNDH, and to provide a training course on the right to personal integrity.





The National Human Rights Commission (CNDH) addressed Recommendation 84/2022 to the general director of the National Workers' Housing Fund Institute (INFONAVIT), for violating the human rights to legality and legal security of a person belonging to priority or disadvantaged groups, given that the victim is an elderly adult, who, despite having paid off a housing loan 18 years ago, has still not received the deed to his property, in the state of Michoacán.

In view of this, the CNDH requests the Director General of INFONAVIT to complete the necessary procedures and steps to regularise and deed the property, to register the victim in the National Register of Victims, as appropriate, considering the expenses incurred in the deed process, as well as to arrange training courses for public servants in the Regional Delegation of Michoacán and in the central offices of the Institute in Mexico City on due diligence in administrative matters.





CNDH addresses Recommendation to ISSSTE for inadequate medical care that led to the death of a patient at Hospital 5 de diciembre, in Mexicali, Baja California

The National Human Rights Commission (CNDH) issued Recommendation 85/2022, to the general director of the Institute of Security and Social Services for State Workers (ISSSTE), for inadequate medical care that violated the human rights to life, health protection and access to health information of a patient at the General Hospital "5 de diciembre", who underwent surgery and received inadequate medical care from the medical team assigned to the hospital. She subsequently died in a private hospital, where she had to be admitted by her relatives after pointing out deficiencies in the care received by ISSSTE medical staff.

In view of the events that occurred, the CNDH requests the ISSSTE's director general to provide full reparation for the damage caused to the affected persons. Also, medical, psychological and thanatological care should be provided, and the Internal Control Body and the Attorney General's Office should collaborate to file and follow up on the complaints against the public servants accused of responsibility.

Know more

85 Precommendation

CNDH addresses Recommendation to the commissioner of prevention and social readaptation for discrimination against two transgender women in CEFERESOS in Oaxaca and Guanajuato

The National Human Rights Commission (CNDH) addressed Recommendation 86/2022 to the commissioner of the Decentralised Administrative Body for Prevention and Social Readaptation (OADPRS) of the Ministry of Security and Citizen Protection (SSPC), for violations of the human rights to equality and non-discrimination, to the free development of personality in relation to private life, as well as to gender identity, legal personality and freedom of expression to the detriment of two victims, transgender women deprived of their liberty, one of them in the Federal Centre for Social Readaptation (CEFERESO) of Miahuatlán, Oaxaca, and the other in the CEFERESO of Ocampo, Guanajuato, since they have not been allowed to live in accordance with the gender they identify with.

Therefore, the CNDH issued a series of recommendations to the Commissioner of Prevention and Social Readaptation of the SSPC in which it requests that, within federal prisons, there be a protocol of care for LGBTTTIQ+ persons in prison, with a differential and specialised approach, with inclusive and non-sexist language, containing rules and defining the framework of action under which the staff must conduct themselves. As well as providing psychological and psychiatric care and medication to both victims, due to the mental health affectation that has been caused to them.





The National Human Rights Commission (CNDH) addressed Recommendation 87/2022 to the commissioner of the National Migration Institute (INM), for the detention of two foreigners at the Mexico City International Airport (AICM), who, despite having a Multiple Migratory Form (FMM) and tourist status, were detained and transferred to the Mexico City Migratory Station (EM-CDMX) without any justification whatsoever, actions that constitute violations of the human rights to legal security, personal liberty and freedom of transit, attributable to public servants assigned to the Representative Office of the INM in Mexico City.

In view of these offences, the CNDH asked the INM commissioner, in coordination with the Executive Commission for Attention to Victims, to provide full reparation for the damage caused, including fair and sufficient compensation, to register them in the National Register of Victims; that they be given the psychological care they require, taking into account their age and specific needs; that all documentation and information related to the victims' legal migration status be analysed and, if necessary, that the migration alert be cancelled; and that they collaborate extensively in the presentation and follow-up of the complaint filed with the Internal Control Body of the INM.

**Know more** 

# 87 Precommendation

CNDH issues Recommendation for serious human rights violations against the Government of Oaxaca, due to the conditions of detention in the Tanivet women's penitentiary

The National Human Rights Commission (CNDH) issued Recommendation 55VG/2022 to the governor of the state of Oaxaca, for serious violations of the human rights of women deprived of their liberty in the Tanivet Women's Prison, as well as of their children living with them, given that the analysis of evidence allowed the CNDH to accredit violations of the human rights to dignified treatment, the right to social reintegration, to a life free of violence and discrimination, as well as the best interests of the child.

The CNDH therefore requested the Governor of the state to immediately issue instructions to put an end to cruel, inhuman and degrading treatment (forced labour). He should also request the implementation of architectural changes and adaptations with a gender perspective in the prison so that women deprived of their liberty and their children living with them are housed in dignified and hygienic conditions; provide adequate accommodation for people with disabilities and elderly people; provide drinking water; have full-time medical staff and sufficient female security and custody personnel; and sufficient and quality food; to develop a protocol for the classification of the prison population; to expand the programme of work, training, education and sports activities; to design protocols to provide differential and specialised treatment for the elderly, indigenous people, the LGBTTTIQ+ community and people with addictions, as well as to train staff in human rights.



CNDH issues Recommendation to the SEP for failing to comply with the TFCA Resolution, issued more than three years ago, in favour of an unjustifiably dismissed worker

The National Human Rights Commission (CNDH) addressed Recommendation 88/2022 to the head of the Ministry of Public Education (SEP), for violating the human rights to legality, justice and access to justice within a reasonable time, to the detriment of a teacher who was unjustifiably dismissed, receiving a favourable sentence from the Seventh Chamber of the Federal Court of Conciliation and Arbitration (TFCA), issued in November 2018, and repeatedly breached since then by the government agency and the public servants responsible for its compliance.

In view of these facts, this National Body asks the head of the SEP to take steps to reinstate the victim in accordance with the terms of the award issued by the labour authority, as well as to pay the benefits that were awarded to her. In addition, she should collaborate in the presentation and follow-up of the complaint before the Internal Control Body against the public servants indicated as responsible and provide a training course on the right to legality and legal security, access to justice and reasonable time.

CNDH addresses Recommendation for serious violations to federal and local authorities in Quintana Roo, for the forced disappearance of three Colombians and the arbitrary execution of one of them

The National Human Rights Commission (CNDH) addressed Recommendation 56VG/2022 to the head of the Federal Attorney General's Office (FGR); the head of the National Commission for the Search for Persons (CNB); to the Attorney General of the state of Quintana Roo, and to the municipal president of Benito Juárez, Quintana Roo, as a result of having carried out an investigation which revealed that elements of the Municipal Secretariat of Public Security and Transit in the town of Cancún, municipality of Benito Juárez, Quintana Roo, committed violations of the human rights to recognition of legal personality, to life, to personal integrity and to liberty, for the for the enforced disappearance of the four victims of Colombian nationality; to life due to the arbitrary execution of one of them, as well as to access to justice, in its modality of the administration of justice, to the detriment of the families of the victims.

Therefore, the CNDH asked the various authorities involved to provide full reparation for the damages caused to whoever is legally entitled to it, including compensation for the irregular integration of the investigation file, to register the victims in the National Register of Victims, and to provide them with the medical, psychological and, where appropriate, thanatological care they require. Likewise, to continue with the integration and improvement of the investigation file in order to continue with the search and location of the victims, to collaborate in the processing and follow-up of the complaints filed by this National Commission, and to design and give a training course on human rights, as well as on the application of the General Law on the Forced Disappearance of Persons and the Standardised Protocol for the Search for Disappeared and Unaccounted for Persons.



### CNDH issues Recommendation to the CEDH Chihuahua and the UTECH for a case of labour harassment against a teacher

The National Human Rights Commission (CNDH) issued a Recommendation to the president of the Chihuahua State Human Rights Commission (CEDH Chihuahua), and to the rector of the Technological University of Chihuahua (UTECH), for the non-acceptance of Recommendation 51/2017, issued in December 2017 by the CEDH Chihuahua, in which "irregular administrative acts" committed by public servants of this educational institution were pointed out, affecting the victim's psychological integrity and, thus, violating her right to a life free of violence, which constitutes institutional, labour teaching violence, as well as harassment at work and treatment contrary to dignity.

In light of these facts, the CNDH asked the UTECH rector to grant the victim the corresponding compensation and

to provide her with the necessary psychological care for her physical, psychological and emotional recovery. In addition, the university authorities must implement, within a period of no more than six months, a protocol for the prevention, care, detection and notification of victims of gender-based violence, as well as design and implement a mental health care programme for users involved in workplace and gender-based violence, and must create a Gender Unit within its structure, through which this protocol can be implemented. For its part, the CEDH Chihuahua is requested to implement a training course on gender perspective, aimed at the staff in charge of investigating cases related to gender-based violence.



CNDH asks SEMARNAT, SEMAR and PROFEPA to repair ecological damage caused in Natural Protected Area in TULUM, Quintana Roo

The National Human Rights Commission (CNDH) issued a recommendation to the heads of the Ministry of Environment and Natural Resources (SEMARNAT), the Ministry of the Navy (SEMAR) and the Federal Attorney's Office for Environmental Protection (PROFEPA) for violations of the human rights to a healthy environment, to legal security, to legality, to due process and to access to justice for the actions and omissions to guarantee the protection and preservation of the Chemuyil and Chemuyilito beaches in the Protected Natural Area "Mexican Caribbean Biosphere Reserve" (ANPRB Caribe Mexicano) in Tulum, Quintana Roo.

This National Body will file complaints against the delegates or those in charge of PROFEPA's office in the state, from 2018 to date, for actions and omissions in the exercise of their functions and irregularities in inspections and surveillance. Likewise, this institution should be informed of the status of the complaints filed by CONANP, and the permits and licences granted in the last five years should be reviewed to verify whether they comply with current legislation.



The National Human Rights Commission (CNDH) issued a Recommendation to the general director of the Institute of Security and Social Services for State Workers (ISSSTE), for the omissions and deficiencies in the care of a 30-year-old pregnant woman, who went to the General Hospital of this institute in La Paz, Baja California, to be attended for childbirth and who died due to omissions in the medical care she received, violating her human rights to life, to health protection and to a life free of obstetric violence.

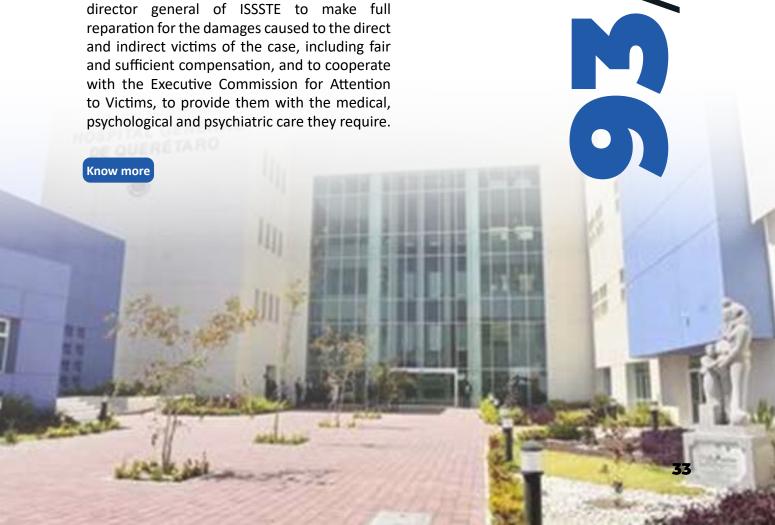
Based on the above, this Autonomous Body requests ISSSTE, in coordination with the Executive Commission for Attention to Victims, to proceed with the reparation of the damage caused to the victims, to register them in the National Registry of Victims and to provide them with the medical, psychological and thanatological care they require, as well as the medicines prescribed for them.



CNDH requests ISSSTE to provide full reparation for a woman whose womb and ovaries were removed due to medical negligence and who was the victim of obstetric, psychological and verbal violence at the General Hospital "Querétaro"

The National Human Rights Commission (CNDH) issued a Recommendation to the general director of the Institute of Security and Social Services of State Workers (ISSSTE), for the inadequate medical care, obstetric, psychological and verbal violence suffered by a pregnant woman when she went to the General Hospital "Querétaro" to attend her delivery, and the staff of this hospital aggravated her rights to health protection, to personal integrity, to a life free of obstetric violence, to freedom and reproductive autonomy, also affecting her life project. Furthermore, this National Body considers that the procedure performed on the victim is related to the subjection to cruel, inhuman or degrading treatment.

Based on the above, the CNDH asked the



CNDH issues Recommendation to IMSS for inadequate medical care to a patient in UMF-87 and HGS in Coahuila, which resulted in his death

The National Human Rights Commission (CNDH) addressed a Recommendation to the director of the Mexican Social Security Institute (IMSS), due to irregularities detected in the medical assessment of an elderly person in the 87th Family Medicine Unit (UMF-87) and in the 13th Sub-area General Hospital (HGS), located in Ciudad Acuña, Coahuila, which prevented a timely diagnosis of the gastric cancer she was suffering from, resulting in her death.

Therefore, this National Commission requests the Director General of the IMSS to make full reparation for the damages caused to the indirect victims of this case, including the granting of fair and sufficient compensation for the inadequate medical care that resulted in the death of the patient; in addition to providing them with psychological and thanatological care.

**Know more** 

recommendation

CNDH issues General Recommendation to Mexican State authorities for the case of espionage and its impact on freedom of expression related to Pegasus software

The National Human Rights Commission (CNDH) issued General Recommendation 47/2022 to the president of the Board of Directors of the Senate; the president of the Board of Directors of the Chamber of Deputies; the president of the Bicameral Commission on National Security of the Legislative Branch; the head of the Ministry of Security and Citizen Protection (SSPC), and the head of the Attorney General's Office (FGR), for the absence of legal regulation for the acquisition and use of technologies for the surveillance, intervention and collection of data on persons in national territory: its impact on freedom of expression, the right to defend human rights and its link to the Mexican State's duty of care.

The CNDH identified that there is a serious risk of a possible abusive exercise of the powers provided for in the applicable laws in this area due to their current wording. The CNDH therefore requests that changes be made to the current legal framework on the interception of private communications, avoiding the use of general, open and ambiguous terms, establishing procedures that incorporate clear and unequivocal criteria on the choice, acquisition and use of technologies for surveillance, interception and data collection. And the profile of public servants responsible for their use, as well as for the handling of information obtained through such technologies, should be specified.



# 95/2 recommendation

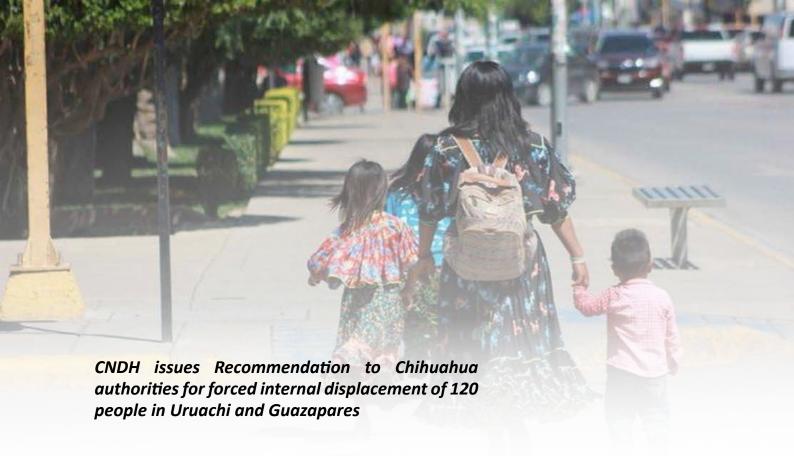
CNDH addresses Recommendation to the INM for cruel, inhuman or degrading treatment committed against a person of African descent in the CDMX Migratory Station

The National Human Rights Commission (CNDH) addressed a Recommendation to the commissioner of the National Migration Institute (INM), for cruel, inhuman or degrading treatment committed against a person of African descent, of Honduran nationality, who on 27 September 2019, arrived at the Migration Station of Mexico City (EM-CDMX) from Saltillo, Coahuila, in a private bus hired by the INM with the purpose of executing his assisted return. However, when he got off the bus, immigration personnel assaulted him with blows and insults, tearing off one of his dreadlocks.

This National Body requests the Commissioner of the INM, in coordination with the Executive Commission for

Attention to Victims, to provide full reparation for the damage caused to whoever is legally entitled, including fair and sufficient compensation for the human rights violations of which he was a victim, in terms of the General Law on Victims. He also requests that he be registered in the National Register of Victims, that he be given the medical and psychological care he requires, which should be provided by specialised professional staff, taking into account his age and specific needs, and that he be provided with the medicines appropriate to his situation, with the care being free, immediate and accessible.



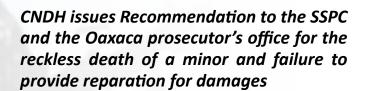


The National Human Rights Commission (CNDH) issued a recommendation to the governor of the state of Chihuahua; the state attorney general; and the municipal presidents of the municipalities of Uruachi and Guazapares, respectively, for violating human rights and failing to provide attention to 120 victims of forced internal displacement, five of whom were killed and one injured.

As a result of the above, the CNDH requests the governor of the state of Chihuahua and the municipal presidents of Uruachi and Guazapares to carry out a census to corroborate the number of direct and indirect victims, in order to implement a Comprehensive Care Plan that includes the granting of fair and sufficient compensation to displaced persons and to manage the access of children and adolescents to educational services. Carry out a diagnosis of the current situation of insecurity in the aforementioned municipalities in order to implement a plan to address the situation, adjusted to the needs of the displaced population. Develop a programme for access to adequate housing and/or rental subsidies. Provide them with facilities to re-establish their means of subsistence and verify whether conditions exist for their safe return to their communities.

**Know more** 

## S Fecommendation



The National Human Rights Commission (CNDH) addressed a Recommendation to the head of the Ministry of Security and Citizen Protection (SSPC), and to the Attorney General of Oaxaca, for violations of the human right to life and the best interests of the child to the detriment of a minor victim, attributable to members of the National Guard (GN), and for violations of access to justice, attributable to the State Attorney General's Office to the detriment of five people, direct and indirect victims, in Santiago Jamiltepec, Oaxaca.

In a logical-legal analysis of the case file, the CNDH found violations of the right to life and access to justice. Consequently, it jointly recommended that the SSPC and the Oaxaca Prosecutor's Office provide comprehensive reparation to the victims, including fair and sufficient compensation in terms of the General Law on Victims, through registration in the National Register of Victims, and that medical and psychological care be provided to those affected who require it.

Know more

### CNDH addresses Recommendation to the SSPC for arbitrary detention and acts of torture committed by members of the now defunct Federal Police

MEXICO

The National Human Rights Commission (CNDH) issued a recommendation to the head of the Secretariat of Security and Citizen Protection (SSPC), for the arbitrary detention carried out by members of the now defunct Federal Police (PF), as well as for the violation of personal integrity, degrading treatment and acts of torture committed against a victim, who was forced to declare and sign documents under threat of incriminating her family in crimes related to organised crime.

The National Commission asks the head of the SSPC to provide full reparation for the damage caused to the victim and her directly affected family members, which should include fair and sufficient compensation, taking into account the seriousness, material damage and damage to the victim's life project. In addition, the victims should receive comprehensive medical care, provided by specialised personnel, as well as the appropriate medicines, materials and treatments to treat the ailments caused by the act.

POLICÍA FEDERAL

**Know more** 

Tecommendation recommendation

CNDH issues recommendation to the FGR and authorities of Tlaxcala and Querétaro for irregularities in the integration of investigation files and in the comprehensive assistance to eight probable victims of human trafficking

The National Human Rights Commission (CNDH) issued a recommendation to the head of the Federal Attorney General's Office (FGR); to the head of the Attorney General's Office of the State of Querétaro (FGEQ) and to the governor of the state of Tlaxcala, for violations to the human rights of access to justice in its modality of procurement and to privacy in relation to personal integrity and security to the detriment of eight persons, probable victims of trafficking, attributable to public servants of the FGR, the FGEQ and the Attorney General's Office of the State of Tlaxcala (PGJET).

The main points of this Recommendation are in the sense that the due integration and improvement of the corresponding investigation file should continue, and that the diligences aimed at clarifying the facts should be carried out as soon as possible, in order to determine, where appropriate, the probable criminal responsibility that corresponds.

Know more





CNDH issues Recommendation to the IMSS for the death of an elderly person as a result of carelessness in the HGZMF-1 of Pachuca, Hidalgo.

The National Human Rights Commission (CNDH) issued a Recommendation to the general director of the Mexican Social Security Institute (IMSS) for the omission of care that resulted in the death of an elderly person, as well as for violations of the human rights to health protection and access to health information, by personnel of the Hospital General de Zona 1 (HGZMF-1) in Pachuca, Hidalgo, and of the High Specialty Medical Unit of the Traumatology, Orthopaedics and Rehabilitation Hospital (UMAE) in Mexico City.

In view of these facts, the CNDH asks the IMSS director general to proceed with the reparation of damages to the direct family members affected by the victim's death, so that they have access to the corresponding resources for aid, assistance and comprehensive reparation, including fair compensation, and that they be given specialised psychological and thanatological care. Furthermore, to collaborate in the presentation and follow-up of the complaint filed before the IMSS Internal Control Body against the HGZMF-1 staff involved in this case.

Know more

## Tool recommendation

# ACTIONS OF UNCONSTITUTIONALITY

Actions of Unconstitutionality

#### **may 2022**



### PROTECTION AND DEFENCE

In accordance with the provisions of article 105, section II, clause G) of our Constitution, the President of the National Human Rights (CNDH) the Commission has constitutional power to promote actions of unconstitutionality<sup>1</sup> before the Supreme Court of Justice of the Nation (SCJN), for which reason the CNDH consults daily the newspapers and official gazettes of all the federal entities of the Mexican Republic, as well as the Official Gazette of the Federation, to identify the norms that are reformed or issued and, based on this, proceed to their analysis under the light of the human rights recognised in the constitutional block formed by the Federal Constitution and the international treaties to which Mexico is a party, with the aim of finding, where appropriate, any possible violation of these rights and, if it is assessed that there are probable transgressions, the respective complaint is filed.

#### Regulatory Screening and Analysis

During this month, the National Human Rights Commission filed 11 complaints of unconstitutionality, through which 65 general norms were challenged.

On 9 May 2022, an action of unconstitutionality 68/2022 was filed before the SCJN against articles 6 and 24 of the Law of the Public Defence Service of the State of Puebla.

On 9 May 2022, an action of unconstitutionality 69/2022 was filed before the SCJN against, against various provisions of 3 Municipal Revenue Laws of the State of Morelos, for the Fiscal Year 2022.

On 9 May 2022, an action of unconstitutionality 70/2022 was filed before the SCJN against, against various provisions of 49 Municipal Revenue Laws of the State of Oaxaca, for the Fiscal Year 2022.

On 9 May 2022, an action of unconstitutionality 71/2022 was filed before the SCJN against various provisions

<sup>&</sup>lt;sup>1</sup> Legal recourse that is processed exclusively before the Supreme Court of Justice of the Nation (SCJN) by means of which the possible contradiction between the Constitution and some norm or general provision of a lower hierarchy is denounced: law, international treaty, regulation or decree, with the aim of preserving or maintaining the supremacy of the Magna Carta and leaving without effect the norms declared unconstitutional.

of 5 Municipal Revenue Laws of the State of Morelos for the Fiscal Year 2022.

On 9 May 2022, an action of unconstitutionality 72/2022 was filed before the SCJN against article 23, section VIII, in the normative portion "of a person of legal age" of the Civil Registry Law of the State of Jalisco.

On 11 May 2022, an action of unconstitutionality 73/2022 was filed before the SCJN against article 87, second paragraph, in its normative portion "as well as in any of the variables or modalities of the typical figure of kidnapping" of the Criminal Code for the State of Aguascalientes.

action On 13 May 2022, an of unconstitutionality 74/2022 was filed before the SCJN against article 86, sections III, in the normative portions "intentional that merits a corporal punishment of more than one year's imprisonment. Without prejudice to the foregoing, if it were", as well as "or any other that seriously affects good reputation, will disqualify from office whatever the penalty", and VII of the Law of Audit and Accountability of the State of Tamaulipas.

On 19 May 2022, an action of unconstitutionality 75/2022 was filed before the SCJN against various provisions of the Revenue Law of the Municipality of Santa María Colotepec, District of Pochutla, Oaxaca, for the Fiscal Year 2022.

On 19 May 2022, an action of unconstitutionality action 76/2022 was filed before the SCJN against article 50, section V of Law Number 175 of the Labour Conciliation Centre of the State of Guerrero.

On 26 May 2022, an action of unconstitutionality was filed before the SCJN (pending filing) against article 19, section VII, in its normative portion "and not having been convicted of an intentional crime" of the Organic Law of the Labour Conciliation Centre of the State of Mexico City.

30 On May 2022, an action of unconstitutionality was filed before the SCJN (pending filing), filed against Articles 114, section III, in its regulatory portion "who have not observed in them patent manifestations of natural incapacity", and 115, in its regulatory portion "observe in them manifestations of natural incapacity and who have not" of the Law of Notaries for the State of Navarit.

### PRECAUTIONARY MEASURES

CNDH requests precautionary measures to the SSPC and Baja California authorities to speed up the investigation into the murder of Priest José Guadalupe Rivas and the person found next to him in Tecate, Baja California

Upon learning of the unfortunate murder of Priest José Guadalupe Rivas, the National Human Rights Commission (CNDH) requested the implementation of precautionary measures to the Secretariat of Security and Citizen Protection (SSPC), the Secretariat of Citizen Security (SSC) of Baja California and the State Attorney General's Office (FGE), in order to avoid irreparable harm to the right to life, security and integrity of the father's family members, of the person found next to him, and of the members and persons in the context of migration who are housed in the Casa del Migrante de Nuestra Señora de Guadalupe, in Tecate, Baja California.

They also mentioned that people who defend the human rights of migrants and refugees in Mexico are exposed to contexts of great adversity and violence, so it is imperative that the State guarantees the protection of people who exercise this commitment, requiring the issuance of precautionary measures in order to ensure respect and protection of the human rights of the families of the victims of these unfortunate events, as well as migrants who are housed in the Casa del Migrante.

For more information: https://bit.ly/3JT9adb



#### CNDH requests precautionary measures to federal and San Luis Potosí authorities in favour of migrants affected by the overturning of a bus in San Luis Potosí

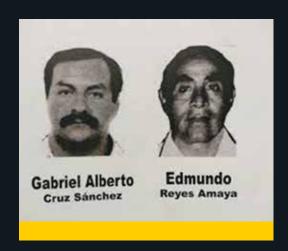
The National Human Rights Commission (CNDH) initiated an ex officio investigation and issued precautionary measures to the National Migration Institute (INM), the National Guard (GN), the National System for the Integral Development of the Family (SNDIF), as well as the General Secretariat of Government, the General Directorate of Health Services, the State Attorney General's Office and the System for the Integral Development of the Family of San Luis Potosí, for the overturning of a bus in Mexquitic de Carmona, in which migrants lost their lives and others were injured.

This National Commission requested the implementation of precautionary measures to the aforementioned authorities so that, in a coordinated manner and within the scope of their competences, all necessary actions are taken to guarantee emergency humanitarian care for hospitalised migrants, especially for those who are in serious condition, who are assessed and treated by specialised medical personnel.

For more information https://bit.ly/3SP1qNg



#### **EXHORTS**



The CNDH urges the SCJN to resolve as soon as possible the amparo in review regarding the case of the disappearance of Gabriel Alberto Cruz Sánchez and Edmundo Reyes Amaya

This National Human Rights Commission (CNDH) has accompanied the Committee of Relatives of the Detained and Disappeared Until They are Found and other organisations in their request to the Supreme Court of Justice of the Nation (SCJN) to exercise its power of

attraction in the case of forced disappearance that occurred in 2007 to the detriment of the social activists Gabriel Alberto Cruz Sánchez and Edmundo Reyes Amaya, in the state of Oaxaca.

This CNDH is aware that by means of an agreement dated March 4, 2020, the First Chamber of the SCJN determined to exercise its power of attraction; consequently, it was ordered that the file of amparo under review 51/2020 be formed.

Following the processing of the aforementioned amparo under review, it was noted that in an ordinary public session of the First Chamber of the country's Highest Court on 10 February 2021, at the request of the reporting minister Ana Margarita Ríos Farjat, the matter was withdrawn to continue with its analysis.

However, this National Body is concerned about the delay in the resolution of the amparo under review, as to date no ruling has been handed down, despite the fact that this is a long-standing and extremely important matter, as enforced disappearance is a multiple violation of human rights of a complex and continuous nature, which requires prompt and comprehensive attention.

This Autonomous Body respectfully requests the Mexican Constitutional Court to give priority to the study and resolution of the case of enforced disappearance of Gabriel Alberto Cruz Sánchez and Edmundo Reyes Amaya, given that the delay in the jurisdictional process causes the perpetuation of transgressions to their human rights and dignity, which merits an urgent pronouncement from the highest jurisdictional instances of the country so that the victims and their families have full access to justice.

https://bit.ly/3Qom4SV

### SPECIAL REPORT

#### CNDH was present during the early election day in various penitentiary centres in Hidalgo

The National Human Rights Commission (CNDH), through the staff of the Third General Visitaduria, was present in three of the four Penitentiary Centres of Social Reinsertion in the state of Hidalgo where early voting was held for people in pre-trial detention who were elected to exercise their suffrage, being the centres selected by the National Electoral Institute (INE) in Pachuca, Tula de Allende, Tulancingo and the Huasteca Hidalguense.

The CNDH confirmed and was informed that the elections held in the four prisons in the state of Hidalgo selected by the INE were carried out without incident, with the relevant security measures, maintaining a healthy distance, and carrying out sanitary measures to prevent the possible spread of the COVID-19 disease. Similarly, staff from the INE, the State Electoral Institute of Hidalgo, representatives of various political parties, staff from the State Human Rights Commission of Hidalgo and this National Body were also present. In the case of the CERESO of Pachuca, representatives of the Centre of Studies and Action for Social Justice (CEA) were also present.

Thus, the scheduled polls were concluded, without the need to consider another day for



their continuation. In this regard, the CNDH staff observed that the early voting day began at the proposed time, the envelopes were sealed, and the pre-trial detainees who received them opened them and cast their votes inside the ballot boxes set up for this purpose, not perceiving the interaction of personnel from outside the centre before, during or after casting their vote with the people who cast their ballots.

# STUDY AND DISSEMINATION



In this way, the CNDH reaffirms its commitment to protect the human rights of persons deprived of their liberty, and welcomes this exercise of early voting by persons in pre-trial detention, given that the election day that has passed demonstrates that any barriers and stigmatisation associated with the legal situation of persons deprived of their liberty must be eliminated in order to fully, effectively, freely and safely

guarantee their political and electoral rights, It will therefore be attentive to the actions implemented to progressively guarantee this right to all persons deprived of their liberty in our country.

https://bit.ly/3vWIx1l

### INTER-INSTITUCIONAL LIAISON



#### CNDH opens space for dialogue between OADPRS, SSPC and civil society organisations

The National Human Rights Commission (CNDH) held a work and analysis meeting to follow up on the implementation of the Human Rights Programme for Persons Deprived of Liberty (PPL) in the Federal Penitentiary System, with the participation of 14 civil society organisations, representatives of international bodies and academia, as well as authorities from the Ministry of Security and Citizen Protection (SSPC), in which the Decentralised Administrative Body for Prevention and Social Readaptation (OADPRS) presented the programme and corresponding lines of action.

The conciliations and recommendations issued, as well as the results obtained through the National Diagnosis of Prison Supervision, made it possible to define the challenges and areas of opportunity for the prison authorities to guarantee the human rights of this population group.

As a final objective, the revision of indicators was agreed upon and the commitment to incorporate the organisations with a mechanism for active participation in the spaces of the Inter-Ministerial Commission and the CNDH was maintained.

https://www.cndh.org.mx/sites/default/files/documentos/2022-05/COM\_2022\_161.pdf

### RESEARCH



CNDH presents National
Diagnosis of the
PenitentiarySsituation 2021 as
a result of the supervision of
250 penitentiary centres in the
country

The National Human Rights Commission (CNDH) presented the National Diagnosis of the Prison Situation 2021, as a result of the monitoring activities that this National Body carried out during the past year, in 250 of the 287 penitentiary establishments that operate in our country and that are administered by state, military and federal authorities.

It was observed in detail and with concern, that in the district penitentiary centres in the states of Hidalgo, Puebla and Zacatecas, a generalised institutional neglect prevails, which is reflected in the physical conditions of the infrastructure, in the lack of personnel and deficient training of those available; in the deficient basic services, which do not guarantee the quality of life of the people held there, and evidence the lack of commitment of the authorities responsible for these establishments.

The diagnosis points out as areas of opportunity to be addressed and with the highest incidence, those related to: deficiencies in care for the elderly; insufficient security and custody personnel; deficient referral channels for complaints of probable rights violations; insufficient programmes for the prevention of addictions and voluntary detoxification; insufficient or non-existent educational activities; and deficiencies in the provision of health services, which ranks first in the number of complaints of rights violations.

It was also emphasised that the results provide, above all, elements for the defence of human rights and for specific and concrete actions to correct the deficiencies in the country's prisons.



CNDH presents Diagnosis on the scope and challenges of the "Protection Mechanism for Human Rights Defenders and Journalists" and the need for a State policy for their protection

The National Human Rights Commission (CNDH) presents the Diagnosis on the scope and challenges of the "Protection Mechanism for Human Rights Defenders and Journalists" and the need for a state policy for the protection of human rights defenders and journalists, which aims to provide elements for the analysis of the reality experienced by communication workers, as well as human rights defenders, in the context of a changing Mexico.

It is good to offer journalists and defenders under threat protection measures, protection guards, a panic button, etc. However, what is fundamental is to reverse the violent and threatening context that forces them to be protected and to eliminate the causes of the extraordinary, merely circumstantial aid in order to rebuild peace, to do justice and to eliminate impunity.

In short, it is not enough for the Protection Mechanism to be reformed in its functioning, even by increasing its budget, if the structural conditions that allow journalists and defenders to be threatened persist.

For the full diagnosis: https://bit.ly/3QpO9cA https://bit.ly/3dubdIr

