



# I. HUMAN RIGHTS

## THE CONCEPT OF HUMAN RIGHTS

Human rights are composed of the prerogatives inherent to a person's nature, which need to be applied effectively in order to achieve the complete development of a person within a society.

The foundation of human rights lies in the dignity and value of the human being, as recognized in international instruments, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the World Conference on Human Rights in 1993.

*“Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person and that the human person is the central subject of human rights and fundamental freedoms...”*

Paragraph 2 of the Preamble of the Vienna Declaration and Programme of Action, 1993.

## MAIN CHARACTERISTICS OF HUMAN RIGHTS

- **They are Universal.** They belong to all human beings, without discrimination on the basis of sex, age, social status, political thinking, religious belief, family or economic background.
- **They are Indivisible and Interdependent.** No right or category of rights has priority over one another, it is necessary to protect them all. Likewise, they are inalienable and non-transferrable.

*“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.”*

Paragraph 5 of the Vienna Declaration and Programme of Action, 1993.



## CLASSIFICATION OF HUMAN RIGHTS

According to the most important international instruments, Human Rights can be categorized in:

### *Civil and Political Rights*

These rights refer to the concept of personal freedom; both individual, meaning that a person should be protected from the undue interference of the State in his activities, as well as collective, enabling the citizens participation in the political decision-making process. Examples of these are:

- Right of life, to freedom of expression and safety;
- Legal recognition and equal protection by law;
- Right to nationality;

- Freedom of thought, of conscience and religion, etc.
- Right to vote, to elect, and to be elected.

### *Economic, Social and Cultural Rights*

These are rights that have as an objective and adequate standard of living. They are the basis for independence and freedom. Examples are:

- Right to social security;
- Right to work;
- Right to education;
- Right to take part in the cultural life of a community;
- Right to development.





## II. THE NATIONAL HUMAN RIGHTS COMMISSION

### OBJECTIVE

The National Human Rights Commission (NHRC) is a public autonomous body, whose essential goal is to achieve the protection and observance of Human Rights through swift and informal proceedings, which lead to the formulation of recommendations. It also has direct contact with the corresponding authorities and with the aggrieved, which enables a quick solution of controversies by means of reconciliation.

The NHRC also strives to achieve the promotion and study of Human Rights established in the Political Constitution of Mexico and in the International Treaties which Mexico has integrated into its legal system through ratification by the Senate.

### HISTORY OF THE NHRC

On February 13<sup>th</sup>, 1989, the Human Rights General Direction was created within the Secretary of Government.

One year later, on June 6, 1990, an institution named the National Commission of Human Rights was founded by presidential decree and it was established as a decentralized body of the above Secretary.







Following this, paragraph B) was added to the country’s Constitutional article 102, as part of an amendment published on January 28, 1992. This elevated the NHRC to a constitutional level in accordance to the legal nature of the decentralized body, with its own legal personality and budget. Following the aforementioned procedure, the non-jurisdictional national system for the Protection of Human Rights was created.

Due to another constitutional reform which was published on September 13, 1999, such national body was constituted as an institution with full managing and budgetary autonomy.

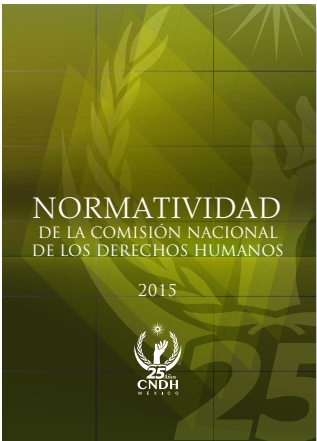
This reform constituted a great step forward in favor of the functions carried out by the Mexican Ombudsman system, since it allowed him/her to protect and defend the Human Rights of all Mexicans.

Finally, on June 2011, the Constitutional Reform was published concerning human rights, in which these rights were raised to constitutional level, placing them in the central axe of the legal and political framework of the Mexican State and it has constituted an advance in this topic modifying 11 articles of the Political Constitution of Mexico, highlighting the following aspects:

- In article 1, is incorporated the exercise of the human rights recognized in the constitution and in all international treaties ratified by Mexico; it also incorporates the principle *Pro Persona* and the principles of universality, indivisibility and progressivity of the human rights. Likewise, it foresees the obligations to

prevent, investigate, sanction and repair the violations of human rights committed by the State.

- In articles 97 and 102 is assigned to the National Human Rights Commission the faculty of investigation, before assumed by the Supreme Court of Justice of the Nation.
- In same article 102, paragraph B, is established the obligation of the authorities to respond to the recommendations issued by the National Human Rights Commission, and in case of not accepting them, publishing the reasons of their negativity. When the recommendations are not accepted or complied, the Chamber of Senators or in its recesses the Permanent Commission could call, by request of this organism, the authorities or responsible public servants to appear, in order to reason and motivate their negativity.
- At last, in article 105 is pointed the faculty of the National Human Rights Commission to exercise actions of unconstitutionality against federal and state laws that infringe the human rights recognized in the international treaties in which Mexico is part of.



LEGAL NATURE

The National Human Rights Commission is a constitutionally body, which means that it is part of the autonomous public institutions. Therefore, it does not belong to the federal government, and does not receive instructions or indications from any authority or public servant.

The NHRC appears in article 102, paragraph B of the Political Constitution of our country and it has its own legal personality and resources, as well as management and budgeting autonomy.

AUTONOMY

The National Commission is a National Human Rights Institution established in accordance with the Paris Principles, which guide the functioning and independence of National Institution for the Protection and Promotion of Human Rights. This legal nature of the NHRC was consolidated on September, 1999, with the amendment to Constitutional article 102, paragraph B), which conferred it its constitutional level and granted it management and budgeting autonomy, a legal personality and its own resources.



ATTRIBUTIONS

- I. To receive complaints of alleged human Right violations;

II. To research and investigate, at a party’s request, or as an automatic procedure, presumed violations of human rights in the following cases:

a) Due to actions or omissions from federal administrative authorities;

b) When private citizens or any other social agents carry out illicit acts that are tolerated by or with the agreement of any civil servant or public authority. This also applies when the latter refuses without grounds to carry out the functions to which it is legally bound in relation to such crimes, especially when the physical integrity of a person is at stake;

III. To issue no-binding public recommendations, formal accusations and complaints to the corresponding authorities, in the terms established in article 102, paragraph B, of the Political Constitution of Mexico;

IV. To research and decide the conclusion on the inconformity which might be presented regarding any recommendations or agreements issued by the Institutions of Human Rights in the Federal States as provides in article 102, paragraph B, of the Political Constitution;

V. To research and decide upon the conclusion on the inconformity caused by the omissions incurred in by Human Rights Institutions referred to above, which might be caused by the insuffi-



- cient completion of their recommendations by the local authorities;
- VI. To achieve conciliation between the plaintiffs and the authorities that are found responsible, as well as the immediate solutions of a conflict, whenever the nature of the case allows it;
- VII. To strengthen the observance of human rights around the country;
- VIII. To suggest to different authorities around the country how to promote changes and modifications to any legislative dispositions, as well as to administrative procedures, (within the specific confines of their responsibilities) which according to the National Commission should better protect human rights;
- IX. To promote the study, and the promotion of human rights at a national and international level;
- X. To issue its internal rules of procedure;
- XI. To develop and execute prevention programmes on the subject of human rights;
- XII. To supervise the respect of human rights within the penitentiary and social rehabilitation system around the country;
- XIII. To formulate programmes and to suggest actions in coordination with the corresponding institutions in order to propel the compliance of international treaties, conventions and agreements signed and ratified by Mexico on the subject of human rights;
- XIV. To suggest to the Federal Government the subscription of international covenants or treaties on human rights, in accordance with the corresponding legislation;

- XV. Bis- The observance of the follow-up, evaluation and monitoring, on the subject of equality of men and women.
- XVI. To Investigate, the facts that constitute serious violations of human rights, when judged convenient or asked by the Federal Executive, any of the Chambers of the Congress of the Union, the Governor of a State, the Chief of Government of the Federal District, or the Legislatures of the States, and;
- XVII. The others granted by law and other legal regulations.

### ACTIONS OF UNCONSTITUTIONALITY

The article 15 of the Law of the National Human Rights Commission, in its fraction XI establishes that the President of NHRC could promote the actions of unconstitutionality against laws of federal, state and of the Federal District character, as well as the international treaties signed by the Federal Executive and approved by the Senate, that infringe the human rights recognized in the Constitution and in the international treaties from which Mexico is part of.

An action of unconstitutionality can be presented when a contradiction is alleged between the impugned norm and Fundamental Law itself. It only proceeds against general norms, even those of electoral character.



## COMPETENCE

The National Human Rights Commission is responsible for researching the complaints related to alleged human rights violations committed in Mexico, when these are imputed to public authorities and civil servants, belonging to the federal government, with the exception of those belonging to the federal judiciary.

Likewise, it is a case for the National Commission's competence when authorities or civil servants, both federal and from the states or municipalities, or when authorities or civil servants from two or more federal states are involved in the same incident.

### *Ability of attraction*

The National Commission can attract a complaint due to omission or inactivity and continue processing it when it believes that it refers to an important matter and that the local human rights institution might take too long to issue its recommendations. The reason for this is to make sure that the national institution will issue, if necessary, the corresponding recommendation.

### *Inconformity*

Any inconformity which might be caused by such proceedings will be field through the procedures of complaint or opposition, stated in article 102 paragraph B of the Political Constitution of Mexico and in accordance to the law of this national organization.

An appeal can be filed due to severe damage caused by omissions or inactions of lo-

cal institutions, and it has to be based on the proceedings which must have already been filed before them.

Opposition proceedings can only be filed against definitive resolutions made by local institutions of human rights or regarding the definitive information issued by local authorities on the compliance to the recommendations issued by the aforementioned institutions.

### *Matters Not of the Competence of the NHCR*

- Complaints regarding alleged human rights violations, attributable to the authorities of the Federal Judiciary;
- Actions and resolutions carried out by electoral institutions and authorities;
- Resolutions related to a jurisdictional matter;
- Consultations filed by the authorities, private citizens or others, regarding the matter of interpreting constitutional and legal dispositions;
- General jurisdictional matters;
- Conflicts between individuals.

## LEGAL FRAMEWORK

The main legal framework which substantiates the NHRC and its functioning is the following:

- *The Political Constitution of Mexico;*
- *The Law of the National Human Rights Commission;*
- *The National Human Rights Commission internal rules of procedure;*





- *The rules on transparency and access to information of the National Human Rights Commission;*
- *The rules on the National Human Rights award;*
- *The statute on the professional civil service of the National Human Rights Commission;*
- *The Internal Rules of the National Center of Human Rights.*

Regarding the norms that refer to human rights, these can be found in national and international legal instruments. The first of these norms is the Political Constitution of Mexico, which, according to the 2011 reforms, recognizes that every person will enjoy human rights, also recognized in the international treaties from which Mexico is part of, as well as the warranties for their protection, its exercise neither can be restrained nor be suspended, except in the cases and under the conditions that the Constitution establishes. The main international legal bodies of human rights ratified by Mexico are:

### *The Universal System of Human Rights*

- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights and its Optional Protocols;
- International Convention on the Elimination of all Forms of Racial Discrimination;
- Convention on the Elimination of all Forms of Discrimination against Women and its Optional Protocol;



- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- Convention on the Rights of the Child and its Optional Protocols;
- International Convention on the Protection of the Rights of all migrant Workers and Members of their Families;
- International Convention for the Protection of All Persons from Enforced Disappearance;
- International Convention on the Rights of Persons with Disabilities and its Optional Protocol.

### *Inter-American System of Human Rights*

- American Convention on Human Rights and its two Additional Protocols, in the area of Economic, Social and Cultural Rights, and to Abolish the Death Penalty;
- Inter-American Convention to Prevent and Sanction Torture;
- Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women, “Belem do Para Convention”;
- Inter-American Convention on Forced Disappearances;





- Inter-American Convention for the Elimination of all forms of Discrimination against Persons with Disabilities.

STRUCTURE OF THE NHRC

The NHRC is composed of substantive and auxiliary areas, which work in a coordinated manner to comply with the objectives of the National Institution.

OFFICE OF THE PRESIDENT

The President of the National Human Rights Commission executes the legal representation of the Institution and is responsible for formulating the general guidelines for administrative activities and for dictating the specific measures that he/she may judge appropriate to improve the performance of the institutional functions.

As a result of the investigations carried out by the visitors, the president of the NHRC approves and issues recommendations and formulates proposals to achieve a better protection of human rights in the country.

The President of the National Human Rights Commission is elected by the vote of the two thirds of the present members of the Chamber of the Senate or, if it were in recess, by the Permanent Commission of the Honourable Congress of the Union, and his/her mandate last 5 years, with the possibility of only one re-election.

Every year the President of the NHRC presents a report on the activities that the Institution has carried out to the Powers of the Union, for the period from January 1<sup>st</sup> until December 31<sup>st</sup> of the preceding year.

*ADVISORY COUNCIL OF THE NHRC*

The Advisory Council is responsible for the definition of the general guidelines and for dictating the internal rules of the Commission, as well as collaborating with the President of the NHRC, requesting information or giving their opinion on the project for reports.

The Advisory Council of the NHRC is composed of 10 councillors. They are elected by the Senate or if it were in recess, by the Permanent Commission of the Honourable Congress of the Union. The position of Councillor is honorary. The President of the Advisory Council is the President of the NHRC.

*TECHNICAL SECRETARIAT OF THE ADVISORY COUNCIL*

The Technical Secretariat of the Advisory Council is responsible for providing the members of the Council with the necessary support for them to carry out their activities.

It is also in charge of consolidating the inter-institutional links with the Powers of the Union, Federal Public Organisations, Autonomous Public Institutions and political and social organisations in order to carry out joint actions with a social impact in the promotion and protection of Human Rights. It is the area responsible for the promotion and strengthening of the relations with non governmental organisations for human rights in the country.



Also, it has the function of strengthening the cooperation and collaboration of the National Human Rights Commission with local human rights commissions and agencies around the country. This is in order to unify the different criteria and to carry out joint actions to intensify the promotion, the study, the protection and the defence of fundamental rights.

GENERAL VISITORSHIPS

At present the NHRC has six General Visitorships.

First General Visitorship

The First General Visitorship receives complaints and unconformities regarding possible violations of human rights committed by federal authorities, as do the other Visitorships. Furthermore, within its functions is that of taking the necessary steps to reach an immediate solution between the parties by reconciliation and, failing that, to formulate the corresponding Recommendation Projects.

This Visitorship is responsible for four Special Programs: Alleged Disappeared Persons, Childhood and the Family, Victim Support and HIV/AIDS and Human Rights and the General Directorate of Attention to Disability.

- Program for Alleged Disappeared Persons: acknowledges and investigates complaints relating to persons whose whereabouts are unknown and in whose disappearance some authority or public servant is presumably involved.

- Program of Childhood and the Family: promotes knowledge on the rights of children and families from a perspective focused on childhood.
- Victim Support Program: acknowledges and addresses issues related to crime victims in order to ensure the full extent of their rights is upheld.
- Program for HIV/AIDS and Human Rights: the objectives of this program are to protect, police, disclose and promote awareness of the fundamental guarantees of people with HIV/AIDS by means of: 1) designing and implementing training courses and workshops about HIV/AIDS and Human Rights; 2) liaising with civil organizations which defend Human Rights of HIV and AIDS patients; 3) researching and accumulating diagnostic information on stigma, discrimination and HIV/AIDS; 4) developing information campaigns to prevent discrimination and







promote a culture of respect for the dignity and the fundamental rights of those who live with HIV/AIDS in Mexico.

- The First General Visitorship has under its charge four regional offices located in: Aguascalientes; Acapulco, Guerrero; La Paz, Baja California Sur and Torreón, Coahuila.

### *Second General Visitorship*

This Visitorship addresses complaints regarding torture, enforced disappearances, extra-legal executions, among others; besides complaints against the following authorities:

Customs General Administration, National Banking and Securities Commission, National Insurance and Financial Commission, National Commission for the Protection of Users of Financial Services, Mexican Institute of Youth, Mexican Institute of Industrial Property, National Institute of Anthropology and History, Secretary of Social Development, Secretary of Economy, Secretary of Public Education, Secretary of the Navy, Mexican Postal Service, Tax Administration System, Secretary of National Defense, Secretary of Communications and Transport, Secretary of Labor and Social Welfare, Secretary of Energy, Secretary of Agrarian, Territorial and Urban Development.

### *Third General Visitorship*

Attends complaints in general but also specifically those pertaining to prison matters or related to acts presumably in violation of human rights committed within prisons or other reclusion centres. It supervises the

running, organization and installations of the reclusion centres, both for adults and for minors. It also attends and manages applications and requests for early release and prison transfers. In 2006, 2007, and 2011, the NHRC through the Third Visitorship, was responsible for the coordination of the National Diagnosis of Prison Supervision, a study which allows for uniformity in the verification of respect for human rights of persons imprisoned in different reclusion centres over the country. In the same manner, it exercises the surveillance by periodic visits to the federal reclusion centers and the individualized attention of complaints presented at this autonomous organism.

To attend the compromise originated from the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, it was created the General Directorate of National Preventive Mechanism in the structure from this Visitorship.





*Fourth General Visitorship*

Receives and deals with complaints of indigenous communities and persons; carries out the work of human rights training in the indigenous communities; investigates and publishes documents about themes related to those matters and, in particular, defends the fundamental rights of indigenous prisoners, accused and sentenced both in the federal or common jurisdiction.

The programs run by the Fourth General Visitorship are:

- The Promotion of Human Rights of the Indigenous Peoples and Communities;
- Benefits Management for Indigenous early release.
- Women’s Affairs and Equality between Women and Men.



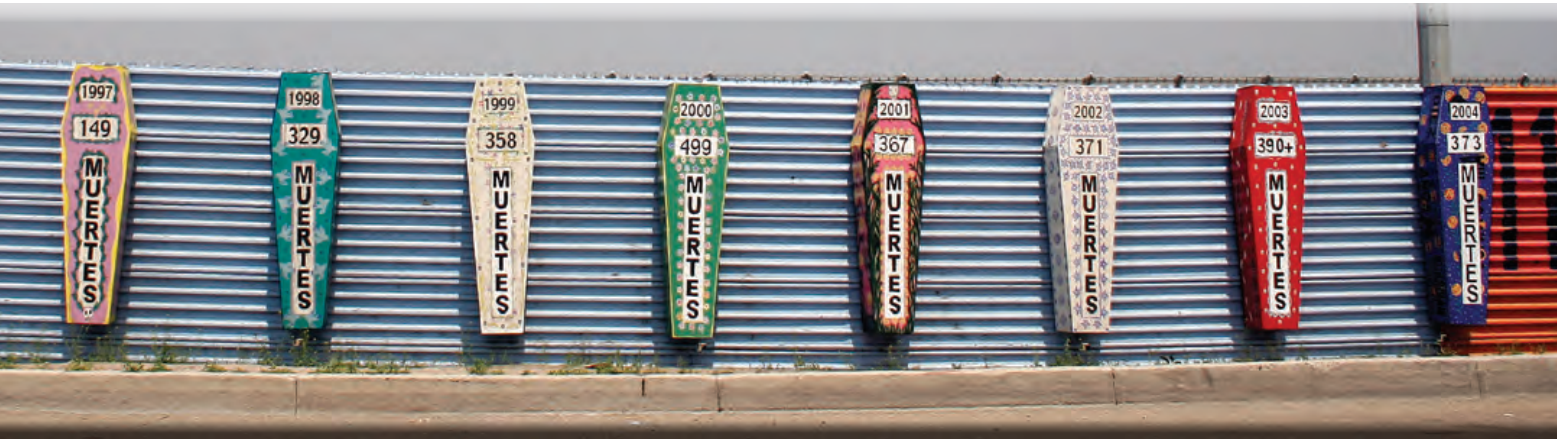
*Fifth General Visitorship*

This Visitorship carries out the Programs for Attention to Migrants, against-human trafficking and the Program of Offences against Journalists and Human Rights Defenders.

Created in 2003, the Program for Attention to Migrants covers the installation of offices in different points of both the northern and the southern borders, creating a greater capacity for attention to the complaints of violation to human rights committed against migrants, and to attend complaints incumbent to this National Organization.

The NHRC has 16 Regional Offices that are located in: Tijuana, Baja California; La Paz, BCS; Nogales, Sonora, Reynosa, Tamaulipas; Ciudad Juárez, Chihuahua; Villahermosa, Tabasco; Coatzacoalcos, Veracruz; San Cristóbal de las Casas, Chiapas; Tapachula, Chiapas; Aguascalientes, Aguascalientes; San Luis Potosí, San Luis Potosí; Morelia, Michoacán; Mérida, Yucatán; Acapulco Guerrero; and Ixtepec, Oaxaca.

The Program for Offences against Journalists and Human Rights Defenders was created in 1991 in response to complaints made by one of the social sectors of great importance to the human rights cause. Later, in



1995, the National Commission Council considered necessary to amplify its functions to include cases of civil rights defenders, so, in May 1997, the Coordination of this Program was created.

The objective of the Program against Human Trafficking is to establish strategies for the prevention, eradication and punishment of human trafficking and for the protection and assistance of its victims.

*Sixth General Visitorship*

The Sixth General Visitorship also corresponds, as the other Visitorships, to know, analyze and investigate complaints and disagreements about alleged human rights violations, for violations committed by the federal authorities, carry out the activities necessary to achieve through conciliation, the immediate solution between the parties, otherwise, make the projects of Recommendations therefore.

This Visitorship will be competent in the knowledge of labor matters, environmental, cultural and economic and social matters.

*Executive Secretariat*

The Executive Secretariat is the area in charge of implementing the activities of the NHRC at an international level. It also promotes the international agenda at a domestic level, as well as the promotion of the issues of the human rights legislation, both inside the institution as well as all over the country. Moreover, the Executive Secretariat is the area which promotes and develops the follow-up, technical cooperation, information and experience exchange activities with other National Institutions for the Promotion and Protection of human rights, as well as with international NGOs with similar purposes. It is responsible for the registration, classification, organization, description, evaluation, deposit, use and allocation of the documentation of concentrated and historical archives of the NHRC.





*Administration*

The administrative unit is responsible for the planning, programming, budgeting, organizing, managing, implementing, and following-up/monitoring of functions and economic and administrative activities of this Organization. It is also responsible for establishing adequate mechanisms for the administration of personnel, the supply of articles and provide administrative services when human resources, or any other elements, both financial and technical, are needed by the different administrative units of the National Commission.

*Unit of gender equality*

Recently created, this unit is assigned to the administration area, among its tasks, it is to carry out actions towards the NHRC’s staff to achieve equality between women and men, prevent gender violence and create a respectful and non-discrimination working environment.

*The National Center of Human Rights (CENADEH)*

The National Center of Human Rights is the part of the National Human Rights Commission whose main objective is to carry out studies and academic interchange between institutions, encourage investigation, manage and promote the National Commission’s Library and Documentation Center, coordinate the edition of the publications of the National Commission, and work with the general direction of planning and analysis on the elaboration of the annual report of activities carried out throughout the year.

*General Office of Complaints and Orientation*

The General Office of Complaints and Orientation is the backbone of the Organization, since within its functions is the attention to the public. It also receives and registers documents about alleged violations of human rights which are first presented to the National Commission and then turns over to the corresponding General Visitorship.

Likewise, it presents: to the NHRC’s President periodic reports and the progress in the processes of the different investigations. It is responsible for the NHRC general archives pertaining to complaint proceedings, inconformity appeals, direct orientation or remission.

*General Direction of Recommendations Monitoring*

The attributions of the General Direction of Recommendations Monitoring are pointed in article 32 of the Internal Rules of procedure of the NHRC, which are analyze, eval-





uate and encourage the issued recommen-  
dations, as well as implement the necessary  
mechanisms for its achievement and moni-  
toring by the continuous interaction with the  
officers of the General Visitorships.

*Link Unit*

The Link Unit, based in the Transparency  
Federal and Governmental Public Infor-  
mation Access Law and in its own Internal  
Rules of procedure of the National Human  
Rights Commission, guarantees citizens’  
exercise to the right of access to public in-  
formation, by processing the information  
requests that are received. Through trans-  
parency, the Commission confirms the val-  
ues that conduct its acts, such as: quality,  
efficiency, accountability, plus consolidates  
public scrutiny as a complementary tool to  
defend and promote human rights.

*General Coordination of  
Communications and Projects*

The General Coordination of Communica-  
tions and Projects proposes to the President  
of the National Commission policies and  
strategies for establishing major divulgation

of actions and programmes relative to the  
protection of Human Rights.

It maintains contact with national and inter-  
national communication networks in order  
to inform properly about relevant events re-





lated to the task of the NHRC. Moreover, it coordinates the press briefings with the President, General Visitors and other staff members of the National Commission.

*General Direction of  
Planning and Analysys*

The main objective of this General Direction consists of supporting the President in carrying out the functions envisaged by Law. One of its specific tasks is the drafting of the annual working programme of the National Commission, taking into consideration programmes, objectives and actions proposed by each and every body and administrative unit. Moreover, this unit is responsible for the systematization of the information provides by different bodies and administrative unites regarding the accomplishment of their objectives and programs.

*General Direction of  
Automated Information*

The main objective of this General Direction is to determine the information and legal polices of the organization and elaboration of documental sources and information systems.

With the support of different units of the National Commission, carries out updating and systematization of legal information which necessary for their proper functioning, as well as updating and administration systems, in order to establish different data-bases of the National Commission.

Moreover, it collaborates with the General Office of Complaints and Orientation in the operation and administration of the data base where all actions by the National Commission are registered, from the reception of the Complaint to the conclusion of the file of each case.



*General Direction of Legal Affairs*

The General Direction of Legal Affairs was established in order to support the management of matters which correspond directly to Office of the President of the National Commission and is in charge of the custody of legal instruments and contracts celebrated by the National Commission.

- The legal unit carries out its activities based on three programmes it is responsible of.
- Programme for Attention of Controversies
- Programme for Attention to Consultations and Opinions
- Programme of Revision of Agreements and Contracts

*Internal Auditing Body*

It Contributes to the transparency, efficiency, effectiveness and productivity of the NHRC’s actions and permits the development and application of ethical values, promoting the cultures of self-control, self-correction and self-assessment.

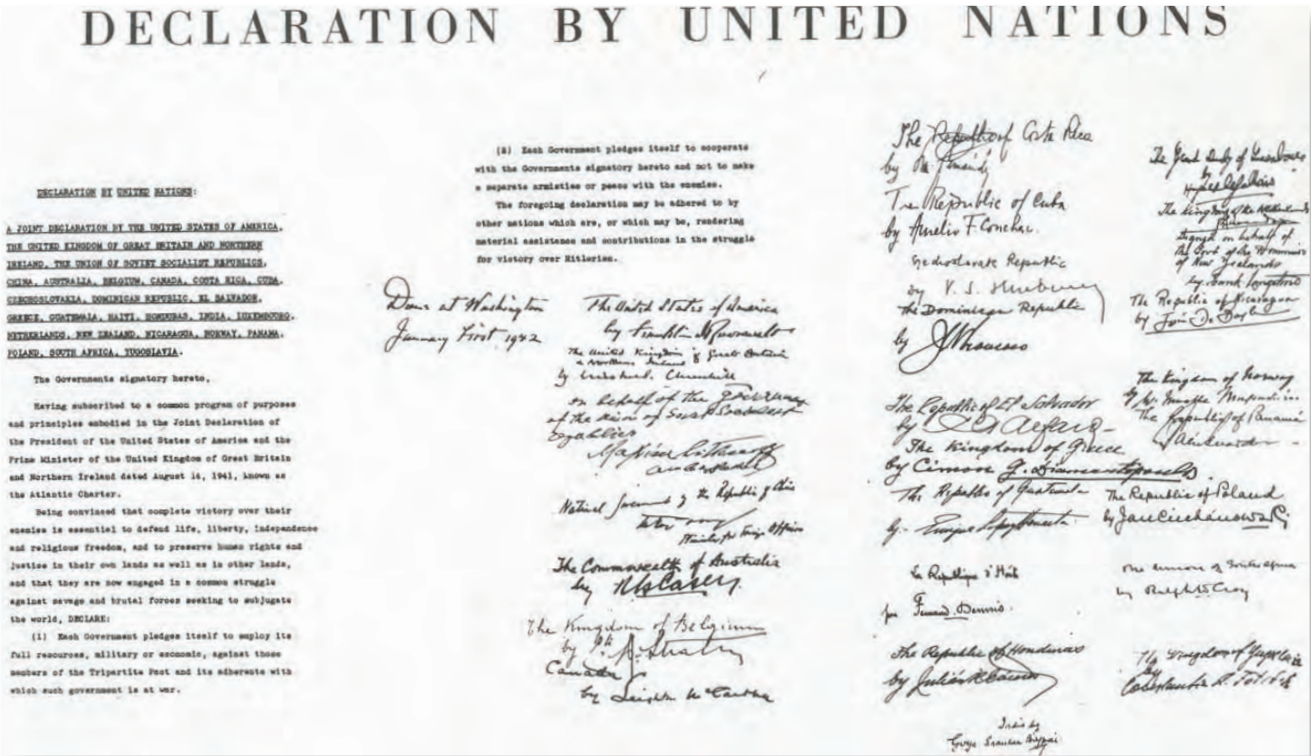
Its mission is to support the directive functions of the President of the National Commission, formulating observations, recommendations and if it is the case, applying sanctions in accordance with the applicable legal framework, on the basis of the verification, vigilance and assessment of the grade of honesty, economy and transparency in the process of management of resources and the development of the activities by different administrative units of the Commission.





Special Office for the Iguala Case

This office was created on December 2014 to follow-up the investigation regarding the disappearance of 43 students of the school for teachers “Raúl Isidro Burgos” of Ayo-tzinapa, Guerrero, which took place in the city of Iguala in the same state on September 2014. Its goal is identifying any probable human rights violations, as well as to review that the authorities in charge of the case fulfill all the investigation theories.











### III. COMPLAINTS FILED BEFORE THE NHRC



#### COMPLAINT

It is the verbal or written manifestation made by one or several people that describes acts or omissions by authorities or public servants in the federal level, except those of the Federal Judiciary, that are alleged as violating of human rights, through which the intervention of the NHRC is requested.

#### HOW TO FILE A COMPLAINT

Any individual or Non-Governmental Organization can file complaints regarding alleged human rights violations committed by authorities or public servants, attending directly to the NHRC's headquarters or, by telephone, electronic mail, complaint on line or courier service.

Every written complaint must include the petitioner's minimal data, a complete description of the facts of the alleged human rights violation, and must be signed or feature the petitioner's fingerprint; as well as information allowing the identification of the accused authority or public servant.

The complaint can be received even on emergency cases by any means of communication, such as written, electronic mail, telephone or verbal before any public servant of the NHRC, and it must have minimal data of identification. Petitioners who do not speak or understand Spanish are provided with a translator free of charge. Complaints can also be presented orally when petitioners cannot write or are under-aged.



It is important to mention that all of the services provided by the NHRC are free of charge and do not need the assistance of a lawyer.

## COMPLAINT PROCEDURE

Once presented before the NHRC, is recorded in the General Office of Complaints and Orientation, and immediately turn it to the corresponding General Visitorship or area. And if the complaint proceeds it is numbered in a file, notifying the petitioner the admission of the matter.

### *How does a Complaint qualify?*

Complaints are analyzed and, in case they proceed, are qualified as follows:

- **Alleged violations against human rights:** The petitioner will be notified that his/her complaint has been accepted and will be kept informed on the general advancement of the complaint file. The joint visitor in charge of the file will require information about the case to the pertaining authorities, as well as from the petitioner, if deemed important, and/or will executed the necessary procedures to solve the complaint file.
- **Not of the competence:** According to the case, the written complaint will be turned over to the competent authority, wich will be notify to the petitioner, sending the document to the local human rights commission or the respective authority.
- **Orientation:** Regarding matters in wich no human rights violation exists, legal orientation will be provides to the petitioner.
- **Pending qualification:** When according with the information in hand, is not enough to determine the procedure of the matter.
  - Appel: A appeal proceeds before the inconformity of the petitioner, either for the inactivity of the local organism in a file (appeal of complaint) or for the definite resolution by a local organism or, for the insufficient or deficient fulfillment or no-acceptance of a recommendation by a local authority (appeal of contestation).
  - Control Archive: Before the data insufficiency to determine if a human rights violation existed, the matter will be sent to the control archive, as well as for the lack of ratification of the complaint or, for the information assessment collected by the joint visitor in charge of its processing.
- The lack of providing information or required documentation by the alleged responsible authority, as well as the unjustified delay of providing it, besides the respective responsibility, the facts of the complaint will be considered to be true, unless proven otherwise.

*Causes for the closure  
of complaint files:*

- Should it not belong to the jurisdiction of the National Commission;
- Should the complaint not be related to violations against human rights, in which case the petitioner will be provided with legal counseling;
- Should a pertaining recommendation be issued;
- Should the case be submitted before the pertaining authority, under a document that frees them from any responsibility;
- Should the petitioner finish the case;
- Should the petitioner show lack of interest continuing with the proceeding;
- Should files accumulate, regarding two or more written complaints for the same acts or omissions pointed to the same authority or public servant;
- Should the complaint file be solved by the conciliation proceedings or by the respective procedure.





## RECOMMENDATION

It is a document addressed to one or several authorities, attached to a Mexican state and/or to the Federal Government, when they are involved in the facts reported by an individual or a group of people. It is a document that reports violations against human rights committed by the aforementioned authorities to which such recommendations are addressed. Recommendations are made out of the following points:

- Facts
- Evidence
- Legal situation
- Observations
- Recommendations

The Recommendation is public and it is not mandatory for the accused authority or public official. As a consequence, a Recommendation alone cannot overrule, modify or leave resolutions unresolved, nor can it dictate actions against the facts that gave origin to the complaint.

Once the accused authority or public official has received a Recommendation, they will have fifteen days to report if they accepted the document. Should that be the case, they will have an additional fifteen days to deliver the pertaining evidence that they have fulfilled the Recommendation. This period of time could be extended if the nature of the Recommendation demands it.

In the case that the alleged violations against human rights are not proven, the National Commission will issue a document of non-responsibility.

Among Recommendations issued by the NHRC, it is important to note the importance that the following have had at both national and international levels:

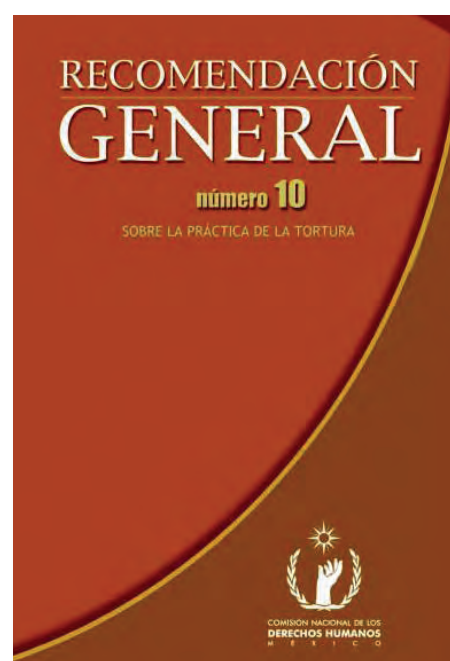
- Recommendation No. 58/1994, regarding the case of expulsions of people in the Municipality of San Juan Chamula, Chiapas.
- Recommendation No. 104/1995, regarding the events that took place on June 28<sup>th</sup>, 1995 in the vicinity of Aguas Blancas, in the Municipality of Coyuca de Benítez, in the state of Guerrero and the following investigation carried out by local authorities.
- Recommendation No. 1/1998, regarding the massacre that took place in Acteal, in the Municipality of Chenalhó, Chiapas.
- Recommendation No. 7/2001, regarding the case of violations against human rights in the Social Rehabilitation Centers Number 1, in La Palma, State of Mexico and Number 2 in Puente Grande, in the state of Jalisco.
- Recommendation No. 26/2001, regarding the cases of complaints about enforced disappearances that took place during the seventies and beginning of the eighties.
- Recommendation No. 26/2006, regarding the case of the workers of the mining corporation Industrial Minera México, S.A. de C.V. (Pasta de Conchos unit).
- Recommendation No. 15/2007, regarding the case of the 13th Section of the National Union of Education and the Popular Assembly of the People of Oaxaca.
- Recommendation No. 45/2008, regarding discrimination on the ground of health by the Secretary of the Navy, against personnel with HIV.



- Recommendation No. 16/2009, regarding the arrest and transfer of journalist Lydia Cacho Ribeiro.
- Recommendation No. 36/2010, regarding crimes committed against minors Martín Almanza Salazar, Brayan Almanza Salazar and others in the state of Tamaulipas.
- Recommendation 45/2010, regarding the case of the privation of life of Javier Arredondo Verdugo and Jorge Antonio Mercado Alonso, students of the Technological Institute of Superior Studies of Monterrey, campus Monterrey, Nuevo León.
- Recommendation 19/2011, regarding the violence against of people causing homicide against a female engineer of the University of Monterrey, as a result of a shootout between a band of kidnappers and elements of the Mexican army, in Monterrey, Nuevo León.
- Recommendation 34/2011, regarding the forced disappearance, torture and privation of life committed against V1 and the illegal privation of liberty and cruel treatments committed against V2, Santa Catarina, Nuevo León.
- Recommendation 43/2012, regarding the delay of providing justice in the labor procedure by the Federal Board of Conciliation and Arbitration against V1.
- Recommendation 56/2012, regarding the violation of the collective human rights of consult, use and enjoyment of the indigenous territories, cultural identity, healthy environment, drinkable water and rehabilitation and health protection of the Wisárika people in Wirikuta.
- Recommendation 77/2012, regarding the case of the minor of Honduran nationality whom refuge was denied.
- Recommendation 03/2013, regarding the case of destruction and extraction of cultural goods committed in the Municipality of Cuautitlán de Romero Rubio, Estado de México.
- Recommendation 51/2014, regarding the events that took place on June 30th, 2014 in Cuadrilla Nueva, San Pedro Limón community, Municipality of Tlatlaya, Estado de México

## GENERAL RECOMMENDATIONS

General Recommendations are proposals addressed to different authorities throughout the country, helping promote legislative and official changes and modifications in their specific fields of work, as well as applying administrative practices that help improve the protection of human rights, according to the judgment of the National Commission.





To date twenty-six General Recommendations have been made, some of which are highlighted below:

- General Recommendation 01. Regarding the undignified search of individuals that visit state and federal detention centres in Mexico, June 19, 2001.
- General Recommendation 05. Regarding the case of discrimination in school due to religious reasons, May 14, 2003.
- General Recommendation 07. Regarding violations of the right of freedom of speech against journalists and communicators, August 9, 2004.
- General Recommendation 08. Regarding the case of discrimination in school against minors infected with HIV or AIDS, September 17, 2004.
- General Recommendation 09. Regarding the situation of the human rights of inmates that suffer from mental disorders in detention centres in Mexico, October 19, 2004.
- General Recommendation 10. Regarding the practice of the torture, November 17, 2005.
- General Recommendation 12. Regarding the illegitimate use of the force and firearms by agents or public servants in charge of upholding the law, January 26, 2006.
- General Recommendation 14. Regarding the rights of crime victims, March 27, 2007.
- General Recommendation 15. Regarding the right to health protection, April 23, 2009.
- General Recommendation 17. Regarding the aggression against journalists and prevalent impunity. August 19, 2009.

- General Recommendation 19. Regarding the practice of illegal raids. August 5, 2011.
- General Recommendation 20. Regarding the damages towards journalists in Mexico and the prevailing impunity.
- General Recommendation 26. Regarding the lack and/or updating of handling programs in federal protected natural areas and its relation with the enjoyment and benefit of diverse human rights. April 13, 2016.

## RECOMMENDATIONS OF MAYOR VIOLATIONS

- Recommendation No. 1 VG/2012, regarding the investigation of mayor violations of human rights related with the facts occurred on December 12th, 2011 in Chilpancingo, Gro.
- Recommendation No. 2VG/2014, regarding the investigation of mayor violations of human rights related with the facts occurred on July 8th, 2014 in Ocuycan, Puebla.
- Recommendation 3VG/2015, regarding the investigation of mayor violations of human rights for the excessive use of force resulting in the privation of life of V44, V45, V46, V47 and V52, as well as the extra-judicial execution of V49, attributed to the Federal Police, regarding the facts occurred on January 6th, 2015, in Apatzingán, Michoacán.

## THE FULLFILLMENT OF RECOMMENDATIONS FOLLOW-UP

The General Visitorships have the responsibility of the following-up on all recommendations, through their General Directors, Area Directors and Joint Visitors. Then, they must report directly to the President of the National Commission on the state of affairs, according to the following situations:

- I. Rejected recommendations;
- II. Accepted recommendations with proof of total fulfillment;
- III: Accepted recommendations with proof of partial fulfillment;
- IV. Accepted recommendations with no proof of fulfillment;
- V. Accepted recommendations with no satisfactory proof of fulfillment;
- VI. Accepted recommendations with time to present proof of total fulfillment;

- VII. Recommendations granted additional time to be replied to and,
- VIII. Accepted recommendations that present special characteristics in order to be fulfilled.

Once every possibility for the fulfillment of a recommendation has been exhausted, the follow-up procedure can be closed through the express consent of the pertaining General Visitor, depending on the supposition that case will be filed as fulfilled.

## SPECIAL REPORTS

Special Reports refer to cases of violations of human rights that given their importance and seriousness, are put forward to public opinion. Such reports inform about the background, actions, obstacles, specific cases, achievements, conclusions and proposals, and the results of the investigation process in full detail.







The following is a list of the most recent Special Reports issued by this National Institution:

- 2015 Special Report regarding the self-defense groups in the State of Michoacán and the human rights violations related to the conflict.
- 2013 Special Report of the National Human Rights Commission regarding the committed irregularities by public servants of the General Attorney's Office in the case of Mrs. Cassez.
- 2011 Preliminary report regarding the investigation for mayor violations of human rights in relation with the facts occurred December 12th 2011 in the city of Chilpancingo, Gro.
- 2011 Special Report regarding kidnapping of migrants in México.
- 2010. Special Report regarding Human Rights violations and crimes based on homophobia.
- 2009. Special Report regarding kidnapping of migrants.
- 2008. Special Report regarding the case of discrimination to teacher Eufrosina Cruz Mendoza.
- 2008. Special Report regarding Transnational Criminal groupings known as "Maras".
- 2006. Preliminary report on the actions taken in the case of violent actions that took place in the municipalities of Texcoco and San Salvador Atenco, State of Mexico.
- 2006. Special report on the fulfillment in the federal area, as well as in federal entities and the Federal District, with regards to the obligations established by the amendment to the 18th Article of the Constitution in the matter of justice for adolescents.
- 2005. Special report on the situation of human rights in migratory stations and sites attached to the Mexican National Immigration Institute.





## IV. INTERNATIONAL LIFE OF THE NHRC

As National Institution for the promotion and Protection of Human Rights, the NHRC has always been noted for its active participation in different international forums, among which are the following:

### **Global Alliance of National Human Rights Institutions**

Created in 1991, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) seeks to maintain the cooperation and assure regular contact between such national institutions.

The Committee is lead by a President and Vice-president and the NHRC occupied the position of Vice-president since 1997 and until 2007. At present, the NHRC's President serves as member of the Bureau of the International Committee for the Coordination of National Institutions for the Promotion and Protection of Human Rights (ICC). Likewise, he is President of the Financial Committee for the CIC. It is through this institution that the NHRC has offered its support to the creation of National Institutions for the Protection of Human Rights in the Latin-American region.

The ICC has come before the Office of the U.N. High Commissioner for Human Rights in order to reach an adequate status for National Institutions to participate as autonomous and independent bodies in meetings regarding human rights that take place within the framework of the U.N.

On the ICC 28<sup>th</sup> Bureau Meeting on March of 2015, the Mexican Ombudsman chaired "the Panel of Human Rights National Institutions and the Rights of persons with Disabilities: recent evolution and Future Perspectives". Likewise, he presented the Finance Committee report, from which he is the president.

The NHRC also hosted the 12<sup>th</sup> International Conference in the city of Mérida on October of 2015, in which 120 countries participated. The conference's goal was the subject "The Sustainable Development Goals: What Role for National Human Rights Institutions?" From this event, "The Mérida Declaration" was adopted. Likewise, in such conference, it was proposed to change the organization's name to Global Alliance of National Human Rights Institutions (GANHRI), which was adopted in the conference that took place in Geneva on March 2016.



### Network of National Institutions for the Promotion and Protection of Human Rights of the Americas

The Network of National Institutions for the Promotion and Protection of Human Rights of the Americas was created with the purpose of tightening cooperation links, along with having a forum that brings together all national institutions that promote and protect human rights within the continent.

In addition to the support offered by the U.N. Office of the High Commissioner for Human Rights, the NHRC and the Canadian Commission of Human Rights played a fundamental role in the creation of the Network.

During the Second Meeting of RINDH-CA in 2000, the Creation Act for the Network was presented and Working Group was organized in order to draft its statutes. It should be noted that the president of the NHRC was the Network’s Acting Secretary and later general Secretary, through 2008. At present, is Member of the Coordination

Committee of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas.

### Ibero-American Federation of Ombudsman

In 1995, the NHRC played a leading role in the creation of the Ibero-American Federation of the *Ombudsman* (FIO). The mission that the federation seeks to tackle is the creation of an inter-institutional collaboration model that would allow for all Latin-American *Ombudsmen* to fulfil their duties in a more efficient manner, in order to reach the complete respect and observance of human rights in their respective countries.

The NHRC is one of the original member of the organization, the President is Coordinator of the Ibero-American Observatory of Human Rights Violations of Migrants and Human Trafficking. So far, It has hosted four FIO meetings. On October of 2014, the NHRC, by having the presidency of the FIO since 2003, hosted the XIX General Assembly and the International Congress.







