***A Comparison between The Experiences of the National Human Rights Commissions of Mexico and morocco***

***Nabor Carillo[[1]](#footnote-1)***

Content: 1. Introduction; 2. The National Human Rights Commission of Mexico (NHRC); 3. Structure and operation of the NHRC; 4. Complaints filed before the NHRC; 5. The NHRC and the public organisms for protection of human rights in the federated entities; 6. The Mexican Federation of Public Organizations for Human Rights and the National Human Rights Council and its Regional Commissions; 7. The local offices of the NHRC.

1. ***Introduction***

In Mexico there is a non-jurisdictional system for human rights protection established by the Political Constitution of the United Mexican States, which is considered the Supreme Law that recognizes and guarantees the rights of the Mexican people and the political organization of the country. To understand this system, one must keep in mind that Mexico is a Federation. Unlike the Moroccan National Human Rights Council which has been established within its Monarchy regime. Along this document, the Mexican regime for human rights protection and promotion will be explained; furthermore some similarities, coincidences and differences between human rights institutions of Mexico and Morocco will be highlighted.

The Mexican federal system has its basis in the Constitution. In fact, in accordance with article 40 of the Political Constitution of the United Mexican States, Mexico is a Federal Republic, comprised by sovereign[[2]](#footnote-2) States in all matters of their internal regimes, but united within a Federation according to Constitution’s principles. The Federation encompasses 31 States and one Federal District. It is noteworthy that these parts are also known as federal entities. According to article 41 of the Constitution, Mexican nationals exercise their sovereignty through the Powers of the Union – also known as the Federal Branch –; and through the States or Federal entities, on issues related with their internal regimes, in terms determined by the Federal Constitution and State Constitutions, which cannot contravene the Federal stipulations in any case.[[3]](#footnote-3)

There are three Branches of the Union (or Federal Powers):

1. *The Federal Executive Branch* is headed by the President of the United Mexican States, as established in article 80 of the Constitution. Recently, the Federal Government published in the Federation Daily Gazette, the National Programme on Human Rights that establishes policies and guidelines for Governmental action in the matter.[[4]](#footnote-4)
2. *The Federal Legislative Branch* is vested into a General Congress, divided into two Chambers, one of Deputies and the other of Senators.[[5]](#footnote-5)
3. *The Federal Judicial Branch* is comprised of:[[6]](#footnote-6) the Supreme Court of Justice of the Nation (SCJN, acronym in Spanish) which is the highest constitutional court in the country. It comprises eleven ministers, one of whom is the President. The Senate elects the Ministers among candidates proposed by the President of the Republic, who are designated for 15 years in their post. It should be pointed out that since the Constitutional Amendment on Human Rights, entered into force on June 2011, the SCJN also decides on matters presented under the *pro homine* principle to guarantee the human rights, when searching interpretation and application of norms to conduct to an efficient protection of the people, by attending at same time specific nature of the human rights.[[7]](#footnote-7)

Regarding the States or federated entities, in accordance to article 116 of the Federal Constitution, each one has a Constitution and the public authority is divided into three Local Powers: Executive, Legislative and Judicial. These branches are organized under the Constitution of each State. The Federal Constitution establishes competencies for the Powers of the Union and for the federated entities. This federal system is also reflected in the establishment of the institutions responsible for the promotion and protection of human rights in Mexico. Article 102, paragraph B of the Federal Constitution defines the existence of the National Human Rights Commission (NHRC), whose legislation is issued by the Federal Congress; and 32 public organisms for the protection of human rights in every federal entity or state, known as State Commissions, which are established by the Legislative Power of each State.

In comparison, Morocco follows also a similar pattern in regionalizing its Commissions on Human Rights. The Royal Decree Establishing the National Human Rights Council in its first article sets the tone by setting a dual system of Human Rights protection and promotion both at the national and regional levels. Therefore the thirteen Regional Commissions on Human Rights in Morocco are entrusted with the responsibility to promote and protect Human Rights at the local and regional levels while acting under the aegis of the National Human Rights Council.

1. ***The National Human Rights Commission of Mexico (NHRC)***

Based on the federal system above described, in Mexico the non-jurisdictional system for human rights protection is composed by 33 institutions, i.e. the National Human Rights Commission (NHRC) and 32 federated entities organisms (or State Commissions) for human rights protection. It should be pointed out that federated entities organisms adopt different names such as commission, Ombudsman’s office or Procurator’s office.[[8]](#footnote-8) The terms of the heads of federated entities organisms may vary between 4 and 5 years, in some cases, they may be renewable according to the state legislation. The latter emphasizes a similarity with the Moroccan system, considering the term of Presidents of Regional Commissions is four years renewable. In Mexico, at the federal level, the NHRC was created on 6 June 1990 by Presidential Decree, as a dependent office of the Secretariat of the Interior.[[9]](#footnote-9) Afterwards, in 1992, the NHRC was recognized expressly in the Federal Constitution, due to the addition of paragraph B in article 102 of the Supreme Law.[[10]](#footnote-10) This paragraph states that:

1. The Congress of the Union and Local Congresses will set up organisms for human rights protection, which would address complaints against administrative acts or omissions from any authority or public servant, except those attributed to the Federal Judicial Branch, involved in violation of these rights.
2. The organisms for human rights protection would formulate public, autonomous, non-binding recommendations, and complaints before relevant authorities.
3. Such organisms would not be competent to address electoral, labour and jurisdictional issues.
4. The organism set up by the Congress of the Union, i.e. the NHRC, will be competent to address existing unconformities regarding recommendations, agreements or omissions of the organisms of the federated entities.

Therefore, the Constitution modification not only strengthened the legal framework of the NHRC, but opened the non-jurisdictional system for human rights protection in Mexico, composed, as mentioned, by the NHRC and the organisms of the States of the Republic and the Federal District. The Constitutional Amendment prompted the expedition of a new Law and a new Internal Procedure for the NHRC. Later, in 1999, paragraph B of the Constitution, Article 102 was amended to ensure the NHRC autonomy. It is worth mentioning that autonomous constitutional organs are those created by the Federal Constitution, and are not ascribed to the traditional Powers of the Union[[11]](#footnote-11); however, it does not mean that they do not belong to the Mexican State, but they should be coordinated with other State organs, have functional and financial independence, as well as attend current State functions in benefit of the society.[[12]](#footnote-12)

After the Constitutional Amendment, the creation of organisms for human rights protection was undertaken in all federated entities. In fact, transitory article 2 of the Decree which amended article 102 of the Mexican Constitution in 1992 settled a one-year term for the Local Congresses to establish organisms for human rights protection. It is important to point out that, nowadays, their budgets come from the corresponding Local Congresses and they are designated by the State where each State Commission belongs. In comparison to the Moroccan system, which establishes that the Regional Commissions will comprise between 16 and up to 30 members, the State Commissions in Mexico will vary their number of personnel according to the designated budget by the local Congress.

The same transitory regulation allowed the Mexican NHRC to continue knowing complaints originally from local competence, meanwhile the organisms for human rights protection in the States where established. In cases where States already had such organisms, transitory article settled that those organisms would receive unsolved complaints that might be addressed to the NHRC, in a term of 30 calendar days as of the publication day of the Constitutional Amendment Decree. In such a way, at the first quarter of 1993, public organisms for human rights protection were created in all federated entities in Mexico, and the non-jurisdictional system for human rights protection considerably advanced. In June 2011, a new Constitutional Amendment to paragraph B of article 102 was made by stating that State Constitutions and the Federal District Government Statute should declare and ensure the autonomy of organisms for human rights protection.[[13]](#footnote-13)

In the case of Morocco, the National Council for Human Rights is a national pluralistic and independent institution, created by Royal Decree no. 1-11-19 of 1 March 2011 to deal with all matters in relation to the protection of human rights and freedoms, in accordance with national and universal norms in this field. It is the National Human Rights Institution (NHRI) of Morocco that benefits from the "A" status of the International Coordinating Committee which reviews periodically the grading of NHRIs across the globe. This "A" status comes in full recognition to the full degree of autonomy that the CNDH of Morocco enjoys. Having replaced the former Consultative Council for Human Rights, this institution’s main tasks are the observation, monitoring and follow up of the human rights situation across the whole country. In this context, the Council reviews all cases of human rights violations, either on its own initiative or on complaint of concerned parties, and carries out necessary surveys and investigations whenever it has confirmed and reliable information on these violations, whatever their nature or origin. Within the framework of its mission of human rights monitoring in all of the Kingdom’s regions, the Council may interview anyone whose testimony may shed light on a situation of infringement or alleged violation of human rights. Furthermore, the Council may serve as an early warning system, in coordination with relevant public authorities, in any delicate situation likely to cause human rights violations, by deploying all necessary mediation or conciliation means that may prevent the occurrence of such violations. As a national institution, the Council is also tasked to visit detention facilities, prisons, child protection and rehabilitation centres as well as places of detention of foreigners in illegal situation. It has, moreover, to study the harmonization of laws and regulations with international treaties on human rights and international humanitarian law to which Morocco is a state party. In addition, it helps, if necessary, with the elaboration of national reports submitted to treaty bodies and international organizations, and encourages the Government to apply their final observations and recommendations. It contributes also to the observation of electoral operations. In fulfilling its attributions, Regional Human Rights Commissions are attached to the Council. Those Commissions are in charge of ensuring the protection and promotion of human rights, both at local and regional levels, and receiving complaints in relation to alleged violations of human rights.

1. ***The NHRC, Structure and Functions***

The Mexican NHRC is integrated by substantive and adjective areas, all of them working in coordination to comply with the National Organism mandate. It is integrated by:

* **The Presidency.** The President of the National Human Rights Commission holds the legal representation of the Organism and it is responsible for the performance of the NHRC.
* **The Advisory Council.** Among other activities the Council has to define general guidelines and enact the Commission’s internal rules, as well as to collaborate with the President of the NHRC by requesting information or giving opinions upon project reports. It comprises 10 Counsellors, who are elected by the Chamber of Senators or, during the non-session periods, by the Permanent Commission of the Congress of the Union. The post of Counsellor is honorary. The President of the NHRC is also the President of the Advisory Councils.
* **The Technical Secretary.** Responsible to provide the support to Advisory Council members for their activities. This area consolidates inter-institutional bonds with the legislative power, federal public entities, public autonomous organisms, and political and social organizations. It promotes and strengthens relationships with pro-human rights non-governmental organizations in the country.
* **General Visitorships.** The NHRC has six General Visitorships (*Visitadurias*).

### First General Visitorship: It receives complaints and unconformities by alleged human rights violations committed by federal authorities. It carries out required conciliating activities between the parties and generates Recommendations projects.

### Second General Visitorship: It addresses complaints presented against the following authorities: Customs General Administration, National Banking and Securities Commission, National Insurance and Finance Commission, National Commission for the Protection of Users of Financial Services, National Electoral Institute, to name some of the involved authorities.

### Third General Visitorship: It addresses complaints in general and, in particular those of penitentiary issues or associated with alleged human rights violation acts committed inside reclusion centres.

### Fourth General Visitorship: Receives and processes complaints of indigenous communities and individuals; carries out indigenous people's human rights training activities; investigates and publishes all kinds of documents upon related topics in the matter, mainly, defends fundamental rights of inmates indigenous people under trail and convicted, both at federal level as in ordinary courts.

### Fifth General Visitorship: Carries out Migrant’s Support Program, against human trafficking and grievances to Journalists and Human Rights Civil Defenders.

### Sixth General Visitorship: Has competency in the knowledge of labour matters, environmental, cultural, economic and social matters.

### Executive Secretariat: In charge of implementing the NHRC agenda within the international sphere, besides to internally promote international topics, as well as to disseminate international law on human rights, both inside the Organism as well as all over the country.

### Administrative Unit: Responsible for planning, programming and budgeting, it is responsible for the organization, direction, execution and monitoring functions and economic-administrative activities of this National Organism.

### National Human Rights Centre (Spanish acronym- CENADEH): Responsible for studies and academic research in human rights matters; fosters institutional academic interchange; conducts and enhances the Documentation Centre and Library of the NHRC, schedules and coordinates publications led by the National Commission and collaborates with the General Direction of Planning and Analysis to integrate the annual report of activities.

### General Office of Complaints and Orientation: Provides personal and telephone assistance to people, receives and records writs of complainants on alleged human rights violations, and directs them to the corresponding General Visitorship.

### General Office of Recommendations Monitoring: Analyzes, assess and encourages follow up of issued recommendations, and implements required mechanisms for their execution and monitoring with the officers of the General Visitorships.

### Liaison Unit: Guarantees citizens exercise to the right of access to public information, by processing the information requests that are received.

### Likewise, the NHRC has several or sections to comply with the assigned fundamental activities, such as: General Coordination of Communication and Projects, General Office of Planning and Analysis. General Office of Automatic Information, General Office of Legal Affairs, and one Internal Affairs Unit.

1. ***Complaints Filed before the NHRC***

Through a complaint one or several individuals describe actions or omissions committed by an authority or public servant, which may be considered violations against human rights. Any individual can report alleged violations against human rights before the NHRC. When petitioners have been deprived of their freedom or are missing, their relatives or neighbours can report the facts, including minors. Legally constituted non-governmental organizations can present before the National Commission reports of violations against the human rights of individuals that do not have the capacity to do it themselves, due to physical, mental, economic and cultural conditions. The complaint must be presented in written. However, in urgent cases complaints presented electronically, by telephone or verbally before any member of the NHRC will be accepted. 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 underage. All of the services provided by the NHRC are free of charge and do not need the assistance of a lawyer. 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 pertaining file. The responsible Visitorship in charge of the file must gather all information regarding the case from the pertaining authorities, as well as from the petitioner, if deemed important. The Visitorship will also take all actions deemed necessary in order to solve the complaint file. Once all evidence has been analyzed, the Visitorship will suggest a solution.
* Should the case not fall under the jurisdiction of the National Commission, the written complaint will be turned over to the competent authority, according to each particular case.
* If the case does not fall under the field of the NHRC, but may be subject to legal orientation: the petitioner will be presented with a counselling guide and explained of any possible solutions to his/her problem. Likewise, the pertaining authority will be notified of the situation and later asked to deliver a report on the final result of the case.
* Pending qualification: when a complaint does not meet the legal requirements or if it is confusing information. If this is not the case, the file will be archived.

Regarding authorities that are asked for information, it is important to note that: should they fail to deliver the pertaining report, supporting documentation, or if they delay the information in a manner deemed unjustified, or if they fail to fulfil their responsibilities, the facts of the complaint will be considered to be true, unless proven otherwise. When a complaint does not refer to violations against the rights to life, physical integrity, or other type of violations considered especially serious because of the number of affected parties or their possible consequences, an agreement between both parties will be attempted, taking into consideration, always and above all, the human rights of the victim. Causes for the closure of complaint files are the following:

* 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 counselling;
* 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 show no further interest; in other words, if the victim decides to close the file;
* Should the petitioner show lack of interest by not responding to the petitions made by the NHRC;
* Should files accumulate; in other words, if one or more files are duplicated;
* Should the complaint file be solved during the procedure of the complaint itself.

With respect to the Moroccan human rights protection system, the procedure to present a complaint is established in the Procedural part of the Decree establishing the National Human Rights Council (articles 48 to 52), which has some coincidences with the Mexican system, except that in the Mexican system, each Visitorship is responsible to follow up and address the case, so there is no need to create Sub-Committees. Moreover, in the case of Morocco, the complaints about alleged violations of human rights are addressed to the President of the Regional Human Rights Commission and filed with the Secretariat of the National Human Rights Council's regional office. It is a hybrid procedure that relies on the oversight of the Regional Human Rights Commission while associating the filing and the secretariat support of the National Human Rights Council at the regional level. The validity of the complaint and the various phases through which the procedure goes is related to the fulfilment of some parameters that are delineated in articles 48, 49 and 50.

1. ***The NHRC and Public Organisms for Human Rights Protection at the Federated Entities.***

According to Constitutional article 102, paragraph B, and with article 3 of the Mexican National Human Rights Commission Law, the NHRC has competency along the Mexican territory, to hear and receive complaints related to alleged human rights violations committed by federal public servants. The Moroccan system, according to the Royal Decree establishing the National Human Rights Council, provides that the Council will be assisted by Regional Human Rights Commissions which are regional entities, responsible for protecting and promoting human rights at local and regional levels. The Commissions will be affiliated with the National Human Rights Council, and will receive complaints about alleged human rights violations.

In Mexico, organisms for human rights protection of federated entities or States are competent to address alleged human rights violations committed by public servants at such federated entities. In the Mexican system, whenever the NHRC receives a complaint writ corresponding to a local organism competency, it is directed to the respective organism, including a notification to the complainant for his/her follow up. Likewise, when a local organism receives a complaint considered to be of the NHRC competency, it should proceed to send it to the National Institution and notify the complainant. It should be noted that urgent cases of serious human rights violations may be directly addressed by the local organism, conduct required proceedings, notarize facts, schedule verification visits, as well as to properly perform all the needed to ensure adequate integration of the complaint file. In this case, the local organism should immediately notify the NHRC and send all proceedings within a maximum of 36 hours.[[14]](#footnote-14) Furthermore, it is noted that if both the Federation’s public servants and those of the federated entities are involved in the same case, the competency belongs to the NHRC.

In consideration of their different field of competency, public organisms for human rights protection of the federated entities and the NHRC maintain a relationship of collaboration. The organisms of the federated entities work independently from the NHRC and there is neither hierarchical nor subordination relationship between them.

In Morocco, the President of the Regional Commission shall immediately inform the President of the National Human Rights Council of the contents of complaints it received and of the Commission’s preliminary conclusions. The Regional Commissions shall investigate and handle complaints and prepare recommendations that will be then referred to the President of the National Human Rights Council for decision. Whenever a Regional Commission considers that a complaint falls within the mandate of the institution in charge of promoting communication between citizens and government, they will refer the complaint. A cross-examination of the organic relations between the National Human Rights Council and its Regional or Federal branches shows that both in the case of Morocco and Mexico, there is a willingness of the legislator to ensure a high degree of autonomy in the decision-making processes at the regional and local levels, while at the same time allowing an effective oversight by the National Human Rights Council.

1. ***The Mexican Federation of Public Organizations for Human Rights and the National Human Rights Council and its Regional Commissions.***

In Mexico, the NHRC and the 32 public organisms for human rights protection of the federated entities are coordinated and work in close collaboration through the Mexican Federation of Public Organizations for Human Rights (Spanish acronym- FMOPDH). The FMPODH was created on 23 September 1993;[[15]](#footnote-15) it is an association aiming to favour, foster and strengthen its associates’ unity and actions, in no way it replaces or duplicates the powers and functions thereof. Collaboration between the NHRC (including its local offices) and State Human Rights Organisms before the Mexican Federation of Human Rights Public Organizations would be considered a best practice approach, since there is neither subordination nor dependency. The FMOPDH contributes mainly to:

1. Strengthen autonomy principles, independency and moral authority of public organisms for human rights protection, in order to boost and enhance fundamental rights protection and defence.

1. Provide, on availability basis, financial support, management, material or technical support to its associates, to develop and conduct programs to foster fundamental rights promotion and protection.

1. Organize national and international events, such as congresses, meetings, conferences, forums and debates to strengthen the human rights culture.

1. Design and develop training programs for public servants, mainly, for public organisms of human rights protection.

1. Interchange experiences upon procedures carried out by its associates upon investigation of cases, to adopt best practices related to principles of immediacy, simplicity, concentration and celerity.

According to the Royal Decree establishing the National Human Rights Council of Morocco, articles 30 and 31 of such decree state that Regional Commissions shall implement the [National Human Rights] Council’s programmes and projects relating to the promotion of human rights, in close collaboration with all stakeholders in the region, particularly human rights groups and regional human rights observatories. The Moroccan legislator was also keen to incorporate into the Regional Human Rights Commissions regional human rights observatories, tasked with the monitoring of the development of human rights at the regional level.

In Mexico, the FMOPDH structure is: the General Assembly and the Steering Committee. The General Assembly is its most senior authority and it is integrated by the associates representatives, in other words, the NHRC representatives and representatives of the organisms for human rights protection referred by article 102, paragraph B, of the Political Constitution of the United Mexican States. The General Assembly will agree and ratify all Federations’ events and operations. The Steering Committee leads, coordinates and administrates the Federation (FMOPDH). This committee is composed by a President, one Secretary, a Treasurer and four Vice-presidents, representing, respectively, each of the four areas of the FMOPDH. The members of the Steering Committee are designated for a two-year period in their responsibility. Members of the Steering Committee are elected by the General Assembly, by the associates’ majority of votes. It is noteworthy that Vice-presidents are elected by the associates integrating the four Federation’s areas. The budget of the FMOPDH is composed of donations, including goods.[[16]](#footnote-16) Its members are honorary members.

In Morocco, the members of the National Human Rights Council and the members of its Regional Commissions shall serve on a *pro bono* basis, allowances shall be provided to the members to compensate for the missions entrusted to them by the [National Human Rights] Council and its Regional Commissions. While the members of the Council work *pro bono*, they are assisted by a professional Secretariat and staff in the exercise of their mandate. Articles 41 and 42 of the Royal Decree set the procedure for nominating and appointing the members of the Regional Commissions.

For the best organization and functioning of the FMOPDH, the Mexican Republic is divided into the following four zones, in which public organisms for human rights protection gather:

1. **North Zone:** Baja California, Baja California Sur, Chihuahua, Coahuila, Nuevo Leon, Sinaloa, Sonora and Tamaulipas.

1. **East Zone**: Hidalgo, Estado de Mexico, Morelos, Queretaro, San Luis Potosi, Tlaxcala, Puebla and  the Federal District (Mexico City)

1. **West Zone:** Aguascalientes, Colima, Durango, Guanajuato, Jalisco, Michoacan, Nayarit and Zacatecas.

1. **South Zone:** Campeche, Chiapas, Guerrero, Oaxaca, Quintana Roo, Tabasco, Veracruz and Yucatan.

It should be noted that, within its specific competency, the NHRC contributes within all zones tasks, and is responsible of the Technical Secretariat of the FMOPDH, which supports the Steering Committee. In order to achieve these purposes, the NHRC has the Technical Secretariat of the Advisory Council, accountable, among other functions, for strengthen the cooperation and collaboration within the local organisms, in order to standardize the criteria and to carry out joint actions to intensify the protection, defence, observance, promotion, study and dissemination of human rights.[[17]](#footnote-17) The FMOPDH has a website[[18]](#footnote-18) with information publicly available regarding its functions and actions developed.

According to the Royal Decree establishing the National Human Rights Council of Morocco, article 21 sets the rules for the administration and management of the Regional Commissions, including forwarding to the Ombudsman institution all complaints that do not fall within their competence. On the other hand, article 30 of the Decree considers the implementation of programmes and projects for the promotion of human rights.

Besides this, in Mexico, the NHRC has the competency to address contest or contest procedures against federated entities organisms. In fact, article 102, paragraph B of the Constitution states that the organism created by the Congress of the Union − the NHRC −, has competency to deal with unconformities issued with respect to recommendations, agreements or omissions of the State entities organisms. In this regard, the NHRC addresses two types of procedures:[[19]](#footnote-19)

1. The complaint procedure; and
2. The contest procedure.

The complaint procedure can only be promoted by complainants, triggered by omissions or inactivity of local organisms in procedures presented before these, if and when none Recommendation on the matter has been issued, and six months after the complaint has been presented before the involved organism.[[20]](#footnote-20) When the local organism demonstrates that corresponding actions and adequate follow up have been carried out on the matter, the complaint procedure is dismissed. The complaint procedure must be submitted before the NHRC by written means. In urgent cases, it can be made orally or by any other means; in these cases, the interested party should make a personal ratification of the complaint within the next three days.

Regardless of the means of presentation, complaints should include relevant information about omissions or inactivity, and must be supported with clearly evidences. Before take a decision on the admittance of the procedure, the NHRC can request the complaints to elaborate or go in depth about the information provided; the procedure can be dismissed when the NHRC considers that it has not been appropriately supported or is glaringly inadmissible.

The NHRC must issue a resolution on the complaint within sixty days, since the procedure has been admitted, which should include:

1. A recommendation to the involved local organism, in order to modify or revoke its determination about the complaint, and correct the omission or inactivity in which has incurred;
2. A statement of non-liability to the correspondent local organism, when raised violations by complainants are false or not appropriately supported;
3. An agreement to take on the complaint file;
4. A statement of dismissal, when the procedure has none subject matter, is inadmissible, or has not been appropriately supported.

The involved local organism must inform the NHRC that the recommendation issued has been accepted and complied, within fifteen working days. Regarding the contest procedure, it must be exclusively submitted before the NHRC against final resolutions issued by the human rights local organisms, or against the final accomplishment report provided by the local authorities. Local organisms’ agreements can be exceptionally contested when, under consideration of the NHRC, complainant rights were clearly violated by the cited organism during the process, and these rights have to be immediately protected.[[21]](#footnote-21)

Complainants are only legitimated to initiate a contest procedure against a local organism, or against the deficiencies of the authority’s capacity to fulfil a recommendation issued by the NHRC, when they have been party to a complaint file submitted before that local organism. The contest procedure must include a precise description about the facts and motivation, as well as the corresponding evidence. In turn, when sending the written contest solicitation, the local organism must include a report on the recommendation referred in the contest with relevant information to support its stance.

The contest procedure against a local recommendation, or against deficiencies of the authority’s capacity to fulfil a recommendation, must be submitted by written means before the local organism, within thirty working days, since the complainant is notified about the Recommendation. The local organism must present the contest procedure before the NHRC within the next fifteen days. Once the NHRC receives the writ of contest, its origin is examined and, if necessary, will request the needed information to the respective state organism or authority. The NHRC may dismiss those contests that considers significantly unfounded or inappropriate.

In accordance with the records provided, the NHRC will examine the legality of the local organism’s Recommendation, or the authority’s performance upon compliance with the Recommendation it would have received. Extraordinarily, and only when it is considered that a probationary period is accurate, stakeholders or official representatives of the aforementioned organisms may present evidence. The NHRC will solve the contest within sixty working days, in one of the following implications:

1. Confirmation of the final resolution provided by the human rights local organism.
2. Modification of the Recommendation, in this case, a Recommendation will be issued to the local organism.
3. A declaration of compliance regarding the Recommendation issued by respective local organism.
4. A declaration of insufficiency or non-compliance of the recommendation issued by the local organism, such declaration is referred to the local authority to which the recommendation was addressed, in this case the NHRC, requires the authority to inform about its acceptance and compliance.

Resolutions of the NHRC regarding complaintsand contests are not subject to further proceedings. If a local organism or authority to which a Recommendation was addressed arising from a complaint or contest does not submit evidence of compliance within the established deadline, the NHRC will disclose such circumstance. The NHRC has the power to take on complaints from human rights organisms of federated entities.[[22]](#footnote-22)

Indeed, the NHRC may exercise that power when it comes to an alleged human rights violation which may transcend the federated entity’s interest and may have an impact on the national public opinion, and as long as the nature of the case becomes of particular seriousness. The NHRC may also exercise its power as requested by any of the local organisms or whenever the head of such local organism is impeded to solve the case. It should be noted that when, there are involved public authorities or servants of two or more federated entities at the same event or case, the NHRC, *ex officio* or by request of the local organism or complainants, should solve the matter. In this situation, it will be agreed to take on the case. In this event, the NHRC notifies the local organism upon the acceptance of the complaint writ and requires all available records. Once the NHRC has taken on the complaint, it continues the proceeding to issue appropriate Recommendation.

1. ***The NHRC Local Offices***

As stated before, the NHRC was established in 1990 and is an autonomous organism on the basis of article 102, paragraph B of the Mexican Constitution. The NHRC has management and budgetary autonomy, legal personality and assets of its own. Its main objective is the protection, observance, promotion, study and dissemination of human rights protected by the Mexican legal system. The NHRC has competency throughout the national territory to hear and investigate complaints regarding alleged human rights violations attributed to federal authorities and public servants, with the exception of those of the Judicial Branch of the Federation.

According to the Royal Decree Establishing the National Human Rights Council of Morocco, the Regional Commissions will handle complaints and will prepare recommendations to be referred to the President of the Human Rights Council for decision. The latter is similar in the case of local offices belonging to the NHRC of Mexico that will submit decisions to the President of the NHRC; however, these local offices address issues of the federal level, not from local entities.

Originally the NHRC facilities were located only in Mexico City – the capital of the country –; however, to enhance its performance, along its 23 years of life, the NHRC has installed local offices in different parts of the country (also called regional offices). The local offices are part of the NHRC, its personnel belong to the NHRC and they follow instructions of the President of the NHRC and certain General Visitors.

The first local office of the NHRC was established on 1994, in San Cristobal de las Casas, Chiapas (then called “para los Altos y selva de Chiapas”). The latter, to meet the needs arising from the conflict emerged with the Ejercito Zapatista de Liberación Nacional (EZLN). Nowadays, article 60 of the internal Regulations of the NHRC establishes the creation of local offices from the National Institution. According to this provision, the NHRC may have local offices at the federal entities, previously authorized by agreement between the President of the NHRC and the Advisory Council. Local offices depend on a General Visitorship and have competency to know and hear all matters determined by agreement of the President of the NHRC.

After setting the local office in 1994, between 2001 and 2009, nine more local offices were established. The NHRC settled those offices at strategic places of migrants’ greater transit and concentration, aiming to provide them with immediate attention, considering the wide extent of Mexico. These offices were established in Aguascalientes; Tijuana, Baja California; Tapachula, Chiapas; Ciudad Juarez, Chihuahua; Nogales, Sonora; Villahermosa, Tabasco; Reynosa, Tamaulipas; y Coatzacoalcos, Veracruz; and Merida, Yucatan.

In 2011 the NHRC established five more local offices in: La Paz, Baja California Sur; Torreon, Coahuila; Acapulco, Guerrero; Ixtepec, Oaxaca; and San Luis Potosi, San Luis Potosi. In 2013, a new office was set up in Morelia, Michoacan. Therefore, the NHRC currently has 16 local offices, in other words, there are not offices in all the 32 federated entities. The recent creation of offices has not only obeyed to migrants’ situation but to insecurity and to violence facts occurring in some federated entities, such as in Morelia and Torreon. With these offices, the NHRC increases its presence in a specific geographical zone and its personnel remain permanently there, to provide immediate attention to people.

Local offices have the same powers and competency as the national organism, which means they do not replace the public organisms for human rights protection of the federated entities. The President of the NHRC highlights the need to provide immediate responsiveness to the population through the creation of these offices. The local offices of the NHRC are administrative units of the Institution and, therefore, they are in communication and linked with the various areas comprising the NHRC. It should be noted that local offices of the NHRC maintain close communication with public organisms for human rights protection of the federated entities, organisms that, as indicated, are independent from the NHRC.

Foreign offices are assigned to a General Visitorship. In case of offices created for migrant matters, the Fifth General Visitorship has established and strengthened its collaboration networking with civil society organizations defenders of migrants' human rights in the United States and has remained in constant communication with the Secretariat of Foreign Affairs of Mexico to urge it to act within the framework of its mandate, to defend Mexicans aboard. In addition, it is important to point out that the Executive Secretariat of the NHRC, by request of the Fifth General Visitorship, may provide support in establishing contact with international institutions. Each local office studies the writs presented to them, and if, as a result of an analysis, it is set there is no competency, the case is referred to the NHRC headquarters in Mexico City, to be handled by the qualified General Visitorship or Office. Thus, at the local offices only remain complaints within their competency.

It is noteworthy that each General Visitorship in charge of local offices has a coordination office in charge of keeping communication with them, to collect all the information referred by such local offices and to provide it to the General Office of Complaints and Orientation of the NHRC. Local offices existence allows the NHRC to provide a more accurate assistance to human rights victims.

Conclusion:

Human Rights are one of the three pillars of the UN Charter. Since the adoption of the Universal Declaration of Human Rights in 1948, the international architecture of the Human Rights regime has grown exponentially by the creation of the Commission on Human Rights that was replaced in 2006 by the Human Rights Council, the expansion of the Office of the High Commissioner for Human Rights, the special procedures and the treaty bodies. Mexico and Morocco have both invested heavily in their National Human Rights Institutions because they are conscious of the fact that this century is going to be the century of Human Rights. While the mechanisms that were developed in each case were the products of a specific historic, social and cultural context, they share important similarities such as the preeminent role of the regional/federal commissions/entities in charge of Human Rights. This comes as a direct recognition to the fact that the improvement of Human Rights needs to be done at both the local and national levels. It is therefore no coincidence that both countries strive to constantly work to improve human rights because it is an irreversible national choice and a firm international commitment.

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    [↑](#footnote-ref-22)