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before the National Council to  
Prevent Discrimination against  
individuals?.

by Juan Pablo Fraga  
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“DILIGITE JUSTITIAM QUI JUDICATIS TERRAM.” “Ye who judge the earth, give diligent love to justice”

# How effective is the procedure before the National Council to Prevent Discrimination against individuals?.

by Juan Pablo Fraga.

In Mexico the National Council to Prevent Discrimination (*Consejo Nacional para Prevenir la Discriminación*) was created in the year 2003 and it performs actions to protect all citizens from discrimination based on national or ethnic origin, sex, age, disability, economic or social status, pregnancy, language, religion, sexual orientation, marital status or any other that prevents or cancels the recognition or exercise of rights and the real equality of opportunities for persons.

The Council is in charge of receiving and solving the complaints for alleged discriminatory acts performed by private individuals and federal authorities when performing their duties.

It is a decentralized body to the Secretaría de Gobernación (Ministry of the Interior). It has its own assets and legal personality. The Council is not subject to any authority and its decisions are independent. In Mexico, the Council to Prevent Discrimination is the main institution for promoting policies and measures that tend to contribute to the social and cultural development and move forward to social inclusiveness and guarantee the right to equality.

*“...it performs actions to protect all citizens from discrimination based on national or ethnic origin, sex, age, disability, economic or social status, pregnancy, language, religion, sexual orientation, marital status or any other that prevents or cancels the recognition or exercise of rights and the real equality of opportunities for persons.”*

The procedure to report an act of discrimination is through the filing of a complaint before the Council within one year, starting in the moment when the discriminatory practice was performed. In the first stage of the procedure the Council will summon the parties for a conciliation hearing, if the parties reach a settlement, a conciliatory agreement will be signed by the parties regarding a monetary compensation, an apology or other measure that tends to repair the damaged caused to the victim.

In the case a settlement is not reached by the parties, the Council will proceed to open an investigation of the facts claimed in the complaint. In this stage of the procedure, the Council and the parties can present evidence regarding their arguments. Once the investigation is done the Council will issue a decision that in the event it determines there was a discriminatory practice, it will order administrative and remedial measures.

The remedy measures binds the party or parties that performed the discriminatory conduct which means that the Council has coercive power towards the person that performed the discriminatory behavior. The remedy measures consists of (I) the restoration of the right damaged by the conduct

performed by the public servant or citizen, (II) compensation for the damage that was caused, (III) public reprimand, public or private apology, and (IV) the promise of not repeating the discriminatory practice.

In the case a public servant does not comply with the decision, the Council will notify this conduct the competent authority so it can proceed according to its functions. Regarding a citizen, the Council can inform the competent authority of the disobedience of the individual. In this case, the Federal Criminal Code punishes the disobedience with communitary work, which is not enough due to the seriousness of a discriminatory act. Besides community work, the individual who does not comply with a decision issued by the Council should be disciplined with a fine because a discriminatory practice implies the derogation of the human rights of a person due to different circumstances.

The Federal Law to Prevent and Eliminate Discrimination (*Ley Federal para Prevenir y Eliminar la Discriminación*) is a complete law since its definition of discrimination encompasses a broad spectrum of circumstances that can configure a discriminatory act. Its article 9 comprises 34 different situations that are considered discrimination and it deepens article 1 of the Mexican Constitution which prohibits discrimination based on different grounds such as ethnic or national origin, gender, age, disability, social condition, health condition, religión, views, sexual preference, marital status, or any other that affects human dignity and aims at eroding the rights and liberties of individuals.

*“...the Council to Prevent Discrimination is the main institution for promoting policies and measures that tend to contribute to the social and cultural development and move forward to social inclusiveness and guarantee the right to equality.”*

This law gives a full protection to a person that suffered a discriminatory act since the remedy measures compel a public servant or a citizen to comply with the remedy measure ordered by the council and like we said before, in case of non compliance of a remedy measure, there are legal consequences for both the citizen and the public servant. This law is also important because it regulates the article 1 of the Mexican Constitution since it broadens the conducts that constitute a discriminatory act and the procedure to attack a discriminatory practice.

The functions of the Council are important in Mexico since this public institution leads the way to prevent discriminatory acts. The actions of the Council are aimed to prevent and raise awareness of actions that constitute discrimination. The Council also sets the guidelines that the public institutions in Mexico ought to follow in order to prevent discriminatory practices.

## **For Trump's Nominees, a Billionaires' Guide to Running the Government.**

Winning the presidency, Donald J. Trump proposed a supposedly great idea: that he could manage the federal government like one of his business. Almost every president of the last century has suggested this theory, but the difference this time is that Trump will make the experiment. He is most likely to include three billionaires, five former chief executives and some business world's leaders. Commerce secretary under George W. Bush, Carlos M. Gutierrez said "Running an agency is very, very different from running a company", so we expect to see the new President's results in this astonishing experiment. [www.nytimes.com](http://www.nytimes.com) 19/01/2017.

## **Trump administration may cut funding to United Nations.**

The Trump administration is proposing a 40 percent reduction in voluntary U.S. support for the United Nations and other global bodies, and an end to "wasteful and counterproductive" spending that does not serve U.S. interests, according to a draft of a forthcoming order. If adopted, the proposed directive would represent a broad attack on the value and priorities of the United Nations, which Trump has recently called an ineffectual talk shop. A separate order would limit U.S. participation in some treaties. [www.foxnews.com](http://www.foxnews.com) 25/01/17.

## **Trump Orders Mexican Border Wall to Be Built and Blocks Syrian Refugees.**

Donald J. Trump, president of the United States of America, order on Wednesday to start building a border wall with Mexico and is planning to block Syrian refugees from entering the US. He signed a pair of executive orders at the headquarters of the Department of Homeland Security, where he emphasized that the nation's borders should be fortified and that he plans to remove 11 million of undocumented immigrants. Regarding refugees from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen he said it is "detrimental to the interests of the United States". [www.nytimes.com](http://www.nytimes.com) 25/01/17.

## **No Brexit Shock to U.K economy ... yet.**

For 2016 economy grew 2% compared to 2.2% in 2015 and 3.1% in 2014, showing UK's economy has not shocked as many expected. Nevertheless, some threatening events are occurring, retail spending fell in December, investment have been places on hold until uncertainty of Britain's relationship with the European Union clears, and even some big banks held they will start to move thousands of jobs outside of London. [www.money.cnn.com](http://www.money.cnn.com) 26/01/2017.

## **Mexican president cancels meeting with Trump.**

Mexican President Enrique Peña Nieto canceled a meeting, schedule for January 31st, with US President Donald Trump. The Mexican leader tweeted "This morning we have informed the White House that I will not attend the meeting schedule for next Tuesday with the POTUS". White House Press Secretary said, "We'll look for a date to schedule something in the future. We will keep the lines of communication." [www.edition.cnn.com](http://www.edition.cnn.com) 26/01/2017.

*In this month extract was prepared by Miguel Ruelas, Carla Espinosa, Luis Salas, Juan R. Madero, Diana Aguilera and Selma Gonzalez.*

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