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EFFECTIVE REMEDIES FOR VIOLATIONS OF CHILDREN'S RIGHTS RELATED TO ECOSYSTEMS, BIODIVERSITY & NATURAL RESOURCES





Effective remedies for violations of children's rights related to ecosystems, biodiversity & natural resources

- 1. Overview of two cases: One related to the defense of sacred land and Natural Protected Park and the other related with the defense of a mangrove, both in Mexico.
- 2. Remedies for children. Are they effective?
- 3. Conclusions for action to improve protection of children's right to live in a healthy and sustainable environment.





QUEJOSA: DULCE
GARCIA JAIMES
VS
PODER EJECUTIVE
ESTADO DE MEXICO

AMPARO INDIRECTO
ESCRITO INICIAL DE I

V JUICIAS TEDERALES EN EL ESTADO DE MEXICO

CON RESIDENCIA EN TOLUCA, EN TURNO
PRESENTE

DULCE GISELA GARCIA JAIMES -17 AÑOS- (EN ADELANTE L
POR MI PROPIO DERECHO, EN MI CALIDAD DE MENOF
INDIGENA OTOMI O ÑHATHÖ (ANEXO 1), CON DOMICILIO I
RECIBIR EL UBICADO EN CALLE TEJOCOTES S/NO, SAN
XOCHICUAUTLA LERMA, ESTADO DE MEXICO Y AUTORIZAND
MISMOS EFECTOS EN TERMINOS DE LA LEY DE AMPARO A I
EN DERECHO PRISCILA RODRIGUEZ BRIBIESCA Y A LOS L
EN DERECHO RODRIGO ESCARTIN, JUAN CARLOS
ALEJANDRO RODRIGUEZ HUERTA, ALEJANDRO
BRIBIESCA, ASI COMO A LOS C.C. JOSE LUIS FERNANDEZ
GARCIA SALAZAR, ANTE USTED CON EL DEBIDO
COMPAREZCO PARA EXPONER:

QUE POR MEDIO DEL PRESENTE ESCRITO, EN TIEMPO Y FI FUNDAMENTO EN LOS ARTICULOS 103 FRACCION I Y CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEX

S 1°, FRACCION I, 5° FRACCION I, LEY DE AMPARO VENGO A S N FEDERAL EN CONTRA DE IES Y AUTORIDADES ADELANTE I RA Y EN LA DE MI COMUNIDAD II A A CONSECUENCIA Y COMO TOLUCA NAUCALPAN" PROMOV RDIA S.A DE C.V.

QUEJOSA: DULCE GIS
GARCIA JAIMES
VS
PODER EJECUTIVO A
ESTADO DE MEXICO Y OTRO

AMPARO INDIRECTO
ESCRITO INICIAL PE DEMAN

C. JUEZ DE DISTRITO EN EL ESTADO DE MEXICO
CON RESIDENCIA EN TOLUCA, EN TURNO
PRESENTE

DULCE GISELA GARCIA JAIMES -17 AÑOS- (EN ADELANTE LA QUE, POR MI PROPIO DERECHO, EN MI CALIDAD DE MENOR DE I INDIGENA OTOMI O ÑHATHÖ (ANEXO 1), CON DOMICILIO PARA RECIBIR EL UBICADO EN CALLE TEJOCOTES S/NO, SAN FRANCIXOCHICUAUTLA LERMA, ESTADO DE MEXICO Y AUTORIZANDO PARAMISMOS EFECTOS EN TERMINOS DE LA LEY DE AMPARO A LA MAE EN DERECHO PRISCILA RODRIGUEZ BRIBIESCA Y A LOS LICENCIEN DERECHO RODRIGO ESCARTIN, JUAN CARLOS MOR ALEJANDRO RODRIGUEZ HUERTA, ALEJANDRO RODRIGUEZ BRIBIESCA, ASI COMO A LOS C.C. JOSE LUIS FERNANDEZ Y ARMIGARCIA SALAZAR, ANTE USTED CON EL DEBIDO RES COMPAREZCO PARA EXPONER:

QUE POR MEDIO DEL PRESENTE ESCRITO, EN TIEMPO Y FORMA Y FUNDAMENTO EN LOS ARTICULOS 103 FRACCION I Y 107 D CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEXICANOS COMO EN LOS ARTICULOS 1º, FRACCION I, 5º FRACCION I, 6º Y 8 FRACCIONES I Y II DE LA LEY DE AMPARO VENGO A SOLICITA AMPARO Y PROTECCION FEDERAL EN CONTRA DE LOS A HECHOS, LEYES, OMISIONES Y AUTORIDADES ADELANTE PRECIS EFECTUADOS EN MI CONTRA Y EN LA DE MI COMUNIDAD INDIGEN FRANCISCO XOCHICUATLA A CONSECUENCIA Y COMO PART PROYECTO "AUTOPISTA TOLUCA NAUCALPAN" PROMOVIDO POLOTORIO DE COMUNIDAD DE VANGUARDIA S.A DE C.V.













12 Children from
Xochicuautla
vs
the President of Mexico
INJNCTION GRANTED



XOCHICUAUTLA, LEGAL REMEDIES SUBMITTED

WRIT OF AMPAROS (STOP ORDER)

PRECAUTIONARY

MEASURES

(AICHR)

NOT IMPLEMENTED

ADMINISTRATIVE
CLAIMS
ENV'T PROSECUTOR
&
MINISTER OF ENV'T







LEGAL REMEDIES

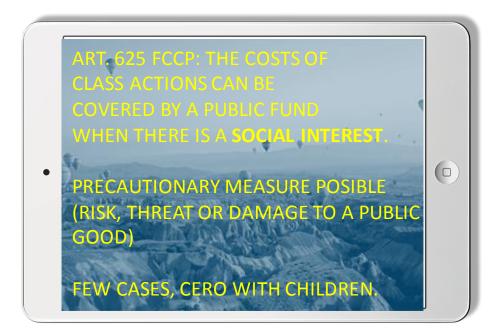
WRIT OF AMPARO
(FOR THE PROTECTION OF HUMAN RIGHTS)

PROFEPA CLAIM (NEGATIVE DECISION ADMINSTRATIVE TRIAL VS PROFEPA



Class Actions

- 2011 LEGAL REFORM ON THE FEDERAL CODE ON CIVIL PROCEDURE ALLOW THEM.
- CONSUMERS AND ENVIRONMENTAL RIGHTS.
- LEGAL STANDING: SOME FEDERAL PUBLIC AUTHORITIES, A GROUP OF 30 PEOPLE, NGO'S,
- TYPES OF REMEDIES: INJUCTIVE RELIEF, DECLARATORY RELIEF AND MONETARY COMPENSATION. (A. 581, 582, 604 FCCP)
- OPT IN PROCEDURE (ART, 594 FCCP)





Federal Law of Environmental Liability

- 2013 THE FLEL ENTERED INTO EFFECT.
- REGULATES ENV'T LIABILITY CREATED FROM DAMAGE.
- BASED ON POLLUTERS PAYS PRINCIPLE
- POTENTIAL CRIMINAL LIABILITY
- LEGAL STANDING: AFFECTED PEOPLE, NGO'S, PROFEPA.
- PRESCRIPTION OF THE ACTION: 12 YEARS
- CREATION OF PUBLIC FUND TO RESTORE THE ENVIRONMENT & TO PAY STUDIES AND RESEARCH.
- INHABITANTS AFFECTED BY THE UNLAWFUL ACTS

 SHALL BE DEEMED VICTIM OF CRIMES VS THE
 hapter 1: Bullet Slide



Legal Remedies



ARE THESE LEGAL REMEDIES, EFFECTIVE??

THE WRIT OF AMPARO AND CLASS ACTIONS COULD BE THE ONLY EFFECTIVE REMEDIES IN MEXICO

- 1 1. THE POSSIBILITY TO APPLY INTERNATIONAL HUMAN RIGHTS STANDARS AND NORMS TO THE LOCAL CASES.
- 1 THE POSSIBILITY TO APPLY INTERNATIONAL HUMAN RIGHTS STANDARS AND NORMS TO THE LOCAL CASES.
- 2 THE WRIT OF AMPARO WAS MADE TO DEFEND PEOPLES AGAINST HUMAN RIGHTS VIOLATIONS.
- 1 THERE IS AN OBLIGATION FOR ANY JUDGE DECIDING CHILDREN'S CASES TO FOLLOW A SPECIAL PROTOCOL WHICH PROMOTES **THE BEST INTEREST OF THE CHILD** AND MORE PROTECTIVE STANDARDS.
- 1 CHILDRENS CAN ARGUE THEIR BEST INTEREST TO OBTAIN A SUSPENSION OF A PROJECT.



- T. CRC: INTERNAL LAW. ENFORCEABLE BY NATIONAL COURT
- 2. REGIONAL COURTS OF HUMAN RIGHTS ARE POTENTIAL VENUES TOO.
- 3. THE PRINCIPLE OF BEST INTEREST OF THE CHILD, (RIGHT ITSELF AND ALSO FOR INTERPRETING OTHER RIGHTS).

PROCEDURAL PROBLEMS:

- UNEVEN BATTLENOT FAVORING THE CHILDREN.
 - JUDGES ARE NOT FILLING IN THE BLANKS.
- THE LACK OF RULE OF LAW IS A BIG CHALLENGE.



THANK YOU!



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Herida de astalto

corta la vena del volcan

U cumino de nuerte

no va pasar.

Dami metzideni Esta naciendo una plor Asphalt wound,
you dried the wetland,
it cost us so many tears,
stop your evil.
Asphalt wound,
you cut the volcano's vein,
dispossession and horror,
your dead road will not pass.
A flower is being born.