



CONTENTS

- ☒ THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS ISSUED ITS FIFTH GENERAL RECOMMENDATION
- ☒ RECOMMENDATIONS
 - Recommendation 17/2003 and 18/2003
- ☒ DOMESTIC RELATIONS
 - CNDH sings collaboration agreements with eight ONG's
 - Colloquy: "Alternative strategies to transfusions, simple, sure and efficient. Medicine accepts the challenge"
 - Training courses
- ☒ PUBLICATIONS

THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS ISSUED ITS FIFTH GENERAL RECOMMENDATION.

General Recommendation 5/2003
May 14th, 2003

Case: Derived from the differential treatment which the school authorities give those children professing the Jehova's Witnesses Religion.
Authorities addressed: Governors of the federative entities, and the Secretary of Public Education.

The Mexican National Commission for Human Rights issued its General Recommendation No. 5/2003, addressed to the governors of the 31 federative entities and to the Secretary of Public Education, so that they may instruct the educational authorities to abstain from sanctioning those students who by reason of their religious beliefs refuse to render honors to the flag and to sing the National Anthem during the civic ceremonies undertaken in the educational centers.

Between June, 1991 and March 2003, the Mexican National Commission for Human Rights received one thousand 110 complaints in which children professing the Jehova's Witnesses Religion mentioned been affected by sanctions which range from being reproved in the matter of Civics, temporary suspension, conditioning the re-inscription to the acceptance of ceremonial rule, up to definitive expulsion, and in extreme cases

physical and psychological abuse, which translate into violations of the Human Rights.

This National Organism particularly observes with deep concern that the school authorities give different treatment to the students professing the Jehova's Witnesses Religion, which endangers their right to equality, and implies a discriminatory treatment, according to which it is established in paragraph three of the 1st article of the Mexican Constitution.

In the complaints against authorities from the local as well as the federal environment, some of which refer to groups of up to 50 minors, the parents manifested against sanctions and explain that the doctrine of Jehova's Witnesses prohibits its faithful to participate in solemn civic acts, as well as religious acts.

In order to issue this General Recommendation, the Mexican National Commission for Human Rights, took into account the 15 appeal resources, originating from the in acceptance as well as the insufficient fulfillment of Recommendations from state organisms of Human Rights, addressed to the state secretariats of Public Education for the violation of the fundamental guarantees of these children. In this respect, this Mexican National Commission for Human Rights believes that the educational authorities defend the fulfillment of secondary laws and distort the rights to equality, freedom of religious beliefs, and education established in articles 1, 3 and 24 of the Constitution, as well as the second and seventh of the General Law of Education, and first of the Law of Religious Associations and Public Cult.

The Mexican National Commission for Human Rights recognizes that the attitude of the educational authorities stems from their obligation to instill in the students the love and respect for the patriotic symbols; however, it states that sanctioning the Jehova's Witnesses students, conditions the rights to religious freedom and to education, the fulfillment of an obligation contained in a secondary law; which offends the constitutional supremacy established in article 133 of our Constitution.

Due to the above, the CNDH issued its General Recommendation 5/2003. addressed to the governors of the 31 federative entities, and to the Secretary of Public Education, in which it requests the following:

- 1) instructions be given so that the educational authorities abstain from sanctioning the students who because of their religious beliefs do not render honors to the flag, nor sing the National Anthem during the civic ceremonies in the educational centers;
- 2) a circular be made in which it is explained to the teaching personnel that the imposition of sanctions to the afore-mentioned students for not actively participating in those ceremonies is illegal, and implicates administrative responsibility;
- 3) issue outlines addressed to the educational authorities where in it is established that education is the ideal way to transmit to the students the values of democracy, social co-existence and human rights and the understanding of the difference between individuals, specifically, those generated by the exercise of the freedom of religious beliefs, and,
- 4) outlines be developed which complement the plans and study programs which instill in the students the value of tolerance, and the respect for difference, including the fact that

those students who in legitimate exercise of their religious freedom do not actively participate in civic ceremonies, as an example of the practice of that freedom.

RECOMMENDATIONS

Recommendation 17/2003

May 20, 2003

Case: Appeal presented by Mr. Medardo Tirado Hernández

Authority addressed: Constitutional Governor for the State of Veracruz

On January 14, 2003, this Mexican National Commission for Human Rights initiated file 2003/43-I-I, in regard to the written appeal presented by Mr. Medardo Tirado Hernández, in which he states his disagreement due to the lack of fulfillment which has been given to Recommendation 48/2002, issued by the State Commission of Human Rights of Veracruz, by the Justice Attorney General's Office for the State, since the previous investigations 769/92 and 626/96 have not been resolved, according to Law. From an analysis of the documentation, as well as from evidence integrated into the present appeal, this National Organism considers that the Justice Attorney General's Office for the State of Veracruz, in spite of having accepted on June 25, 2002, Recommendation 48/2002, issued by the local Organism, has, unduly, not given fulfillment to the same, and consequently, there exist violations to the rights to legality and legal safety contained in articles 14 and 16 of the Political Constitution of México, upon not resolving, according to Law, the previous investigation 626/96.

In attention to that which we have expressed, this Mexican National Commission for Human Rights considered that the motive for disagreement presented by the appellant Medardo Tirado Hernández was accredited, and, therefore, on May 20, 2003, this National Organism issued Recommendation 17/2003, addressed to the Constitutional Governor for the State of Veracruz, so that he instruct the Justice Attorney General of that federative entity to give complete fulfillment to Recommendation 48/2002, issued by the State Commission; that he issue his instructions so that an administrative procedure be initiated against Jenaro A. del Ángel Rueda, agent from the Department of the Public Prosecutor, and of the public servants of the Justice Attorney General's Office, should they result responsible for the delay and omissions incurred during the integration of previous investigation 626/96, and, at the proper time, should they be found guilty of legal responsibility, the order be issued to the Public Prosecutor, for the initiation of the corresponding investigation, the same which must be integrated and resolved according to Law.

RECOMMENDATION 18/2003

May 30, 2003

Case: Appeal presented by minors from the Municipality of Tecate, Baja California.

Authorities addressed: President of the Board of the XVII Legislature of the State of Baja California, and the Town Council of Tecate, Baja California.

On January 13, 2003, this Mexican National Commission for Human Rights initiated file 2003/19-I-I in reference to the appeal presented by Miss Margarita Vázquez Oropeza, for the failure to carry out Recommendation 4/2002, which on September 10, 2002, the Attorney General's Office for Human Rights, and Citizen Protection, for the State of Baja California addressed to the then President of the Board of the XVII Legislature of the State of Baja California, and to the Municipal President of Tecate, in that federative entity, upon solving complaint file 89/02 and its accumulation 96/02, signaling out as prejudicial, the violation of the freedom to transit of the minors of the locality, who were also subjected to inexcusable and unjustified arrests, and hostile acts.

From an analysis of the evidence of this Recommendation, we find sufficient elements to establish the legal provenance of the harm, crused to and made valid by the appellant. However, this Mexican National Commission for Human Rights, only partially coincided with the points in Recommendation 4/2002, since the existence of violations to Human Rights were pointed out, harmful to the population of the Municipality of Tecate, Baja California, in virtue of the fact that the Town Hall of that Municipality authorized, unanimously, from May 20, 2002 onwards, restricted hours for minors after 22:30 hours, arguing that its implementation would be for the good of the citizens, given the increase of vandalism and juvenile delinquency.

From an analysis of the facts, violations to the Human Rights were observed, regarding equality, freedom and legal safety, prejudicial to the inhabitants of the Municipality of Tecate, Baja California, contemplated in articles 1, 11, 14 and 16 of the Political Constitution of México, as well as the transgression of diverse international instruments.

Consequently, on May 30, 2003, this National Organism issued Recommendation 18/2003, addressed to the Town Council of Tecate, Baja California, that it may give observance to Recommendation 4/2002, issued by the Attorney General's Office for Human Rights and Citizens' Protection for the State of Baja California, so that the use of the agreement by which authorization for the restriction of minors' hour be irrevocably suspended, and the use of other actions which permit the Municipality to analyze as well as achieve that the integral development of the juvenile population be analyzed. In like manner, that it issue its instructions, to whom it may correspond, so that an administrative procedure of responsibility be initiated against Roberto Rodríguez Valenzuela, Municipal Secretary of Tecate, Baja California, taking into account that he failed to give an answer to the petition that this National Organism proposed, and if so be the case, that due sanctions according to Law be imposed upon him.

Also, the recommendation was made to the Deputy President of the Board of the XVII Legislature of the State of Baja California, that she may proceed, according to that foreseen in article 14, last paragraph, of the Political Constitution of the Free and Sovereign State of Baja California, and in attention to the social demand prevailing in the Municipality of Tecate that the necessary and conducive actions be agreed upon in order

to avoid the continuous and grave punitive violations to the fundamental rights of the inhabitants of the Municipality of Tecate, taking place, and that the State-of-Law be re-established.

Also, should the authorities of the Town Council of Tecate, Baja California, ignore the intervention of said Congress pertinent to the social demands of its inhabitants, that a corresponding procedure be initiated on the responsibility which they may incur. Finally, that a procedure against the Municipal President of Tecate, Baja California, be initiated, because of his neglectful conduct in replying to the requests for information submitted by this National Organism.

DOMESTIC RELATIONS

Cndh signs collaboration agreements with eight ONG's

Dr. José Luis Soberanes Fernández, President of the Mexican National Commission for Human Rights, (CNDH), signed collaboration agreements with eight ONG's for the purpose of undertaking actions in favor of the Human Rights, especially of those persons, who because of their age, gender, economical, social condition and health, are considered vulnerable groups.

Said non-governmental organizations are: The Mexican Commission for Human Rights, A.C., Centre for Human Rights "Digna Ochoa and Plácido", A.C., Vicalli, Life with Quality, A.C., A Friendly Hand, A.C., Coalition of Human Rights, A.C., Eux, Art and Aids, A.C., Foundation of Human Rights "Melchor Ocampo", A.C., and the Network of Support for the Women from the Lagoon, A.C.

Colloquy: "Alternative strategies to transfusions, simple, sure and efficient. Medicine accepts the challenge".

The Mexican National Commission for Human Rights, organized, on May 22nd, the Colloquy "Alternative strategies to transfusions, simple, sure and efficient. Medicine accepts the challenge". Amongst those present were physicians, public servants, and members of the Jehova's Witnesses religion. These last mentioned, stated that persons have the right to choose a treatment and decide if they do or not accept, as well as having the right to decide whether or not they accept a blood transfusion, as in the case of the persons integrating this religious group, who do not accept the liquid blood, it being contrary to their beliefs.

During the act, which took place in the National Centre of Human Rights, of the Mexican National Commission for Human Rights, (CNDH), the majority of those present manifested themselves in the sense that it has become fundamental to change the General Health Rule, in order to standardize, for the benefit of doctor and patient, the new medical practice and that the new medical advances be used, fundamentally the "Artificial Blood" which allows performing transfusions without a single drop of human blood being used.

In this context, the General Director of Religious Affairs of the Interior Secretariat, pointed out the necessity of respecting religious beliefs, as a part of the constitutional rights which Mexican possess. In the medical aspect, where the principal objective is the preservation of life, the same action must be undertaken. The State, he added, has the obligation of guaranteeing that right, and although a necessary revision of the legal norm seems necessary, he voted for laying aside the prejudices, and trying to use the scientific advances in favor of human life.

On the other hand, the medical advisor of hospitals and services for Jehova's Witnesses indicated that the present legislation is "obsolete" in so far as it forces doctors in certain cases to administer blood, and should they not do so, they are exposed to severe sanctions.

Finally, the Director of the Mexican National Centre for Human Rights of the CNDH, said that in this aspect three elements converge: faith, the legal and medical, same which must reconcile their interests and perfect this matter so that what prevails be the respect of life.

The CNDH donated books to the Penitentiary Centres of the Country.

Towards the end of broadening the diffusion of a culture of respect to the fundamental guarantees, the CNDH donated more than 10,000 books from its editorial production to the 478 jails in the country, so that the prisoner population may consult them and thus have knowledge of the Human Rights.

Within its editorial program, and of publications, the CNDH has a total of 603 works, of which, it printed last year 1,170,850 books.

The greater part of its edition is managed as donations, and a third part is sold at cost to the general public. Any educational institution which formally requests it has the opportunity to receive the donation of books from the Mexican National Commission for Human Rights.

Training courses

The CNDH, in adherence to the spirit promoted by the institution of the Ombudsman to disseminate the study, teaching and the divulging of the Human Rights, undertook in May, 2003, 57 activities, amongst them 43 courses, 9 conferences, 4 workshops, 7 training workshops, and in coordination with the Autonomous Universities of Coahuila and Nayarit, and the Human Rights Commissions from both states, graduate studies in Human Rights were held.

Amongst the subjects dealt with in the different activities of training and the diffusion of the culture of Human Rights are: "Human Rights of infants", "Human Rights of young people", "Family violence", "Vulnerable groups", "Gender violation", "Human Rights of migrants", "Human Rights in the Mexican Legal System", "Complaint procedure", "Organization,

functioning, legal framework and attributes of the CNDH”, “The penitentiary function and Human Rights”, “Safety, custody and Human Rights”, “Human Rights, Public Safety, and the procurement of justice”, and Human Rights, religious freedom and respect for cultural diversity”, amongst others.

PUBLICATIONS

Gaceta, Official monthly publication of the Mexican National Commission for Human Rights, Number 152, corresponding to the month of March.

Second contest on reflection over the Human Rights. México, CNDH, May, 2003. Triptych.

Did you suffer any harm due to some crime? México, May, 2003. Triptych.

How to present a complaint in the CNDH? México, CNDH, May, 2003. Triptych.

The Human Rights of Boys and Girls, Memory Game. Memorama Table Game. México, CNDH, May, 2003.

Defense and Protection Program of the Human Rights of boys and girls. Child promoters. We boys and girls have rights. Recommended texts for school children from first to third grade. México, CNDH, May, 2003. Diptych.

Defense and protection Program of the Human Rights of boys and girls. Child promoters. We boys and girls have rights. Recommended texts for school children from fourth to sixth grade. México, CNDH, May, 2003. Diptych.

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