

NEWS LETTER

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DR. JOSÉ LUIS SOBERANES FERNÁNDEZ, PRESIDENT THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS, PRESENTED HIS SECOND ANNUAL REPORT OF ACTIVITIES

On February 26, Dr. José Luis Soberanes Fernández, President of the CNDH, presented his second activities report to the President of México, Lic. Vicente Fox Quesada. During his intervention which lasted 40 minutes, in which he gave lecture to a short version of 559 pages of the full report, Dr Soberanes Fernández expressed his solidarity with the victims of public insecurity and criminal violence, and with those who demand efficiency from those authorities who have the duty of preventing and persecuting those crimes, as the only way of stopping criminal impunity as can be seen in the fact that only 3 or 4 out of every hundred crimes come before the sanction of a judge.

The head of the CNDH pointed out, among other subjects, that he is not preaching in favor of more flexible laws against crime, but instead is asking that in every case, the law be applied, that coordination between police forces throughout the country be made effective, that members of corporations be trained, and that they receive more supervision so as to promote actions that are carried out in a correct and professional manner.

Dr. Soberanes Fernández expressed his concern with the growing message that it "is possible to take justice into one's hands" or lynching acts which could lead to social decomposition.

The Mexican Ombudsman also informed that the CNDH issued 38 Recommendations in 2001, five of which were addressed to the Federal Attorney General's Office (PGR), three to the Ministry of Education (SEP), two to the Social Security Institute for State Employees (ISSSTE), two to the Government of the State of Jalisco, two to the Ministry of Public Safety (SSP) and one to each one of the following institutions: Federal Executive Power, Mexican National Railroads, Banrural, Ministry of the Interior, Ministry of Health, Ministry of Economy and Administrative Development (Secodam), Military Justice Attorney General's Office, Mexico's Medical Arbitration Commission (Conamed), Mexican Social Security Institute (IMSS), to the Governments of the States of Aguascalientes, Coahuila, Guerrero, Morelos San Luis Potosí, Sinaloa and Yucatán, to the State Legislatures of the States of Jalisco and Morelos, to the Commission of the State of Guerrero; to the Municipalities of Axochiapan, Morelos; Catemaco, Veracruz and Pachuca, Hidalgo, and one more to the Municipal President of Acayucan, Veracruz; Apodaca, Nuevo León; Cuernavaca, Morelos; Iguala de la Independencia and San Miguel Totoloapan, Guerrero; and Tampico, Tamaulipas.

In his response to the report by the National Ombudsman, Mexico's President, Lic. Vicente Fox Quesada, expressed that the fact that the Commission does not have coercive rules to obligate the application of its Recommendations does not in any way diminish its weight and moral strength. "The ethics of this government obliges all to carry them out. We will not conceal them, and I say it once more, to any public officer who does not carry out the Recommendations of this Commission."

The Second Report of the CNDH to the Head of the Federal Executive Power and his Cabinet, was given only a few days after it was presented to the members of the Great Commission of Congress and a few days before it was presented to the Judicial Power, in compliance with its legal mandate.

RECOMENDACIONES

General Recommendation No. 3/2002

February 14, 2002

Case: Women prisoners in Mexico's Imprisonment Centers.

Authority Addressed: State Governors, Head of the Government of the Federal District and Secretary of Federal Public Safety.

In compliance with this National Commission's Program for Penitentiaries and Internment Centers, whose purpose is to verify the respect given during the years 2000 and 2001 to the Human Rights of incarcerated persons, several supervisory visits were made to 311 penal systems in 24 States. In 124 of these we found there was a female population, and this situation revealed differences in the living conditions between incarcerated women and men, as well as violations to the fundamental human rights of those women.

As a fact, from the evidence that can be found in the written statements from the visits, proof was found of the existence of violations to the rights of equality of women in front of the law, to the right of protection of their health, to have the State provide all that is necessary to foster the respect due to their dignity and the full exercise of the rights of girls and boys who live with them in prison, to be imprisoned in separate facilities from men, to carry out those activities which are required for their social reinsertion and that they not shall be bothered without a legal motive.

As a result of the above mentioned, the National Commission issued General Recommendation No 3, to the effect that the necessary measures be taken so that the women inmates receive a respectful treatment due to their dignity and their feminine condition, granting attention to their health needs, education, productive and paid work, in spaces totally separated from those occupied by men, and that be allowed to live with incarcerated women of their same legal condition, without any type of submission among themselves and with exclusively female custodians; that the needed facilities and attention programs for girls and boys who live with their mothers or their families be established in all the internment centers in the nation, that the women inmates maintain the necessary contact with daughters and sons who live outside and the existence programs for general and specialized medical attention of the women inmates, as well as their children who accompany them without forgetting that the male inmate must also receive it.

DOMESTIC RELATIONS

The Mexican National Commission for Human Rights opened a border office in Reynosa, Tamaulipas

The CNDH opened the Regional Office of the Border (Oficina Regional de la Frontera) in the city of Reynosa, Tamaulipas. The Head of the Mexican Commission, Dr. José Luis Soberanes Fernández, explained that the city of Reynosa was chosen for the establishment of the regional office of the CNDH due to its location in the Northeastern border between Mexico and the United States, because from that city, it will be possible for the personnel to transfer, with greater ease, to other border areas, such as: Matamoros and Nuevo Laredo. The National Ombudsman stated also that depending on budgetary resources another office could be established next year in Ciudad Juárez, Chihuahua.

The fundamental objective of this office is to give attention to complaints and to notify about these complaints to the authorities in charge of preventing and punishing them, as well as to establish commitments with other institutions in charge of protection and with those public offices in charge of carrying out justice, in such a way that abuses committed that are proven do not stay without punishment since it is the only way to avoid the repetition of these facts.

The Head of the CNDH also pointed out that many of the complaints made by Mexican or non Mexican migrants who try to enter the United States at some point in this Northern border, and who are victims of the violation of their fundamental guarantees, have been documented by the National Commission for Human Rights through its visitors.

Accompanied by the Governor of the State of Tamaulipas, Tomás Yárrington, the Under secretary of the Ministry of the Interior, Javier Moctezuma, the Mexican Consuls in Brownsville, Laredo and Mc Allen, Dr. Soberanes Fernández emphasized that complaints against North American authorities will be handled through the Mexican Consulates, as they constitute the appropriate instance for approaching said issues.

Also present were Dr. Juan Hernández, Head of the Presidential Office for Mexicans Abroad who cut the inaugural ribbon of the CNDH office, as well as Senator Enrique Jackson Ramírez, President of the Senate's Political Coordination Board, who unveiled the inaugural plaque.

Keynote Conference by the Commissioner for Human Rights of the Council of Europe, Álvaro Gil-Robles

In his Keynote Conference at the headquarters of the Mexican National Commission for Human Rights, the Commissioner for Human Rights of the Council of Europe, Álvaro Gil-Robles, pronounced himself in favor of the application of jurisdictional mechanisms, such as the International Criminal Court, in face of what he called the exercise of the law of the fittest "which is what we are actually seeing in the combat against crime and world terrorism."

Dr. Gil-Robles, who was Spain's Defender of the People (1988-1993), pointed out that there has been a serious effect upon the protection of Human Rights in the world after the events of September 11 in the United States. Gil-Robles also stated that as a result of our fear of terrorism we have diminished the protection of Human Rights and have allowed a safer and more limited State to rule our guarantees.

The Commissioner for the Council of Europe defined the International Criminal Court as a great project for world justice, and that Latin America should not stay outside of it. He added that fifty two countries have already signed and ratified the Statute of Rome and that he was sure that Mexico would ratify said Treaty because "it is a country with a democratic tradition in the defense of Human Rights and it would greatly harm the international community if its voice was not present and there was not one Mexican judge sitting at that tribunal, because we need to attain an equilibrium between Anglo-Saxons, non Anglo-Saxons, Europeans and representatives of other cultures."

As he talked about migration and tolerance of ethnical and religious minorities, Dr. Gil-Robles pointed out that for many nations these are complex issues. He noted that after the September 11 attacks on the United States, a general feeling of fear has take over in people, who are lacking in information and who think that those who are different by their origin, race or religion constitute a danger.

In many countries migrant processes have never been looked upon as an element of wealth that must be integrated, he said, and explained that in Europe many churches have an enormous responsibility for the violence, the intolerance and the violation of Human Rights, such as the cases of the nationalist conflicts in the Balkans, Bosnia-Herzegovina, Turkey and Russia.

Training Courses

Mexican National Commission for Human Rights in compliance with the spirit promoted by the institution of the Ombudsman to disseminate the study, teaching and diffusion of Human Rights, organized during the month of February 2002, 68 activities on this theme. Among them, mention must be made of 5 workshop courses, 13 conferences, 3 workshops, one diploma course and several work meetings with members of some Human Rights organizations.

Personnel from the training area of the CNDH coordinated their activities with representatives of the "Organización de Derechos Humanos Respeto y Justicia, A. C." (Organization for Human Rights, Respect and Justice); the "Comité Pro Derechos Humanos Juventud y Unión Valle de México" (Valley of Mexico Committee for Human Rights, Youth and Union); the "Red Contra la Violencia Hacia las Mujeres y Hombres Jóvenes" (Network Against Violence Towards Young Women and Men); of the "Liga Nacional de Trabajadores por los Derechos Humanos, A. C." (National League of Workers for Human Rights); personnel of the "Instituto Nacional de Adultos en Plenitud" (National Institute for Older Adults) and with representatives of the "Centro mexicano para la Filantropía, A. C." (Mexican Philanthropy Center), among others.

Many and varied were the subjects of the training courses: "Family Mediation", "Human Rights as Democratic Values", "Theoretical Framework of Human Rights", "Human Rights of Older Adults", "Basic Aspects of Human Rights "The Non Jurisdictional Protection System of Human Rights", "Shelters for Battered Women", "Human Rights and Civil Society", "Introduction to Human Rights", "The Role of Civil Society in Public Safety and Human Rights", "Institutional Linkage between the CNDH and the ONG's in the Field of Human Rights", "Training of Promoters in Human Rights and Vulnerable Groups" and "Introduction to Human Rights and to Civil Society".

INTERNATIONAL RELATIONS

CNDH Officers met with organizations devoted to the defense of the Human Rights of Migrants in New York City

The CNDH, as part of its job in promoting and protecting the Human Rights of migrants, organized a series of work meetings with non governmental organizations, public assistance organizations, ecclesiastical communities, consular circumscriptions and academic institutions, in order to know by first hand the real situation of thousands of undocumented Mexicans who live in the United States, especially since the events of September 11, 2001.

From the 11th to the 15th of February, two officers of the Executive Secretariat of the CNDH, carried out meetings with the following Human Rights institutions: "Lawyers Committee for Human Rights", "Asociación Tepeyac de Nueva York", "Casa México", México's Consulate General in New York, "Centro de Trabajadores Latinos de Nueva York", "Center for Migration Studies of New York", as well as with the "Church of Saint Francis of Assis".

The subjects that were discussed during those meetings revolved around the hardening of American policies regarding undocumented persons, since, from having been a situation being analyzed from an economic perspective, upon the September 11 attacks, it became an affair of national security, which has led to a violatory treatment of migrant workers in the United States.

Finally, among the agreements reached during these meetings with the above mentioned organizations are, the engagement of working more closely with the National Commission in the writing up of reports about the situation of migrants, refugees, regarding workshops on migration, participation in forums, special publications, reports, etc.

PUBLICATIONS

Informe Anual de Actividades (Annual Activity Report), Mexican National Commission for Human Rights, México, February, 2002.

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