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THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS CONDUCTED A SURVEY ON THE QUALITY OF THE BENEFITS OF ITS SERVICES

According to a survey on quality which the Mexican National Commission for Human Rights conducted on 10,413 persons who came to this organization between August 2001 and August 2002 seeking support for the solution to their problems, 85.9% of these people qualified the attention given them as excellent, 13% considered it to be good, for 0.3% it was fair; while 0.1% thought it was bad and 0.7% did not have any opinion at all.

Also, the survey indicated that 98.6% of the persons interviewed acknowledged that should the need arise they would once again come before the Mexican National Commission for Human Rights to present their complaints of presumed violation of their fundamental rights.

Amongst other information, the study showed that the organization was able to reduce the waiting period for the persons to receive attention.

Presently, those people who come to the CNDH wait, on average, less than three minutes for a visitor to take care of them, whereas in August 2001, the waiting period was 15 minutes. This has in no way affected the attention time which the lawyers give each person, this being on average approximately 40 minutes. Once the person has been seen to, he or she is asked to state an opinion on the service rendered by the visitor who attended him or her, and if they would come again, should they so require.

Through the General Management for Complaints and Orientation, the National Commission for Human Rights saw 10,413 persons in the last thirteen months, which represents an increase of 17.8% in relation to the 8,560 people who come to the organization in the period between July 2000 and July 2001.

Of those 10,413 cases, 3,545 were turned over to the appropriate authorities, mainly public organizations dealing with the protection and defense of human rights in the states; 2,956 were given legal guidance, 1,699 corresponded to the review of written complaints, and 1,990 corresponded to other procedures and services which are offered by the CNDH.

This National Organism has an Office for Attention to the General Public which takes care of the plaintiffs in a personal manner, another team provides information by telephone about the scope of the CNDH and the necessary steps taken on the files, and also has a guard group to take care of those cases presented on holidays and after-hours. The National Commission for Human Rights gives attention to the general public 24 hours a day, 365 days of the year.

The survey conducted by the CNDH is a part of the control program which this organization applies in order to measure the quality of its services.

RECOMMENDATIONS

Recommendation 34/2002

September 24, 2002

Case: María Lucía Fernández Gutiérrez

Authority Addressed: General Director of the Mexican Social Security Institute (IMSS)

On November 16, 2001 the Commission for Human Rights of Jalisco received the complaint of Mr. Gregorio Hernández Bailón, forwarded to this National Organization, for reasons of jurisdiction, on the 23rd of the afore-mentioned month and year.

The plaintiff expressed presumed violations of Human Rights committed against his wife, María Lucía Fernández Gutiérrez, attributed to public servants of the Regional General Hospital Number 46 "Lázaro Cárdenas" in Guadalajara, Jalisco, belonging to the Mexican Social Security Institute. The complaint referred to the inadequate service rendered by this public health facility, and thus gave rise to file 2002/3173-1.

Based on an analysis of the facts, and of the evidence stated in the file which was reviewed, as well as the investigation undertaken by this National Commission, the existence of diverse irregularities were proven upon pondering violatory acts committed against the human rights of the person who in life was named María Lucía Fernández Gutiérrez, and of her daughter, by the personnel of the Mexican Social Security Institute in Guadalajara, Jalisco.

Based on the afore-mentioned information this National Organism esteemed that the rights to life and the protection of the health of the persons injured was violated, and that there existed an inadequate rendering of service on behalf of the public health facility, taking into consideration that the personnel of the afore-mentioned hospital acted in an inadequate manner, and did not provide the persons wronged with the proper and opportune medical evaluation and quality vigilance which was their obligation to render.

For this reason, on September 24, 2002, this National Commission issued Recommendation 34/2002 addressed to the General Director of the Social Security Institute that in full use of his authority as General Director send his instructions to whom it may concern so that the Internal Comptroller's Office of the Ministry of the Comptroller and Administrative Development in the Social Security Institute be notified and thus initiate and determine, according to Law, an administrative procedure of investigation against the physicians assigned to the Tocosurgery service for the case under discussion, in the Regional General Hospital Number 46 "Lázaro Cárdenas" in Guadalajara, Jalisco in order to assess the professional and administrative responsibility which might result from the irregularities which they incurred.

Recommendation was also made that payment be ordered and made by concept of indemnity in accordance with the law to whomever be credited with having the best right to receive it, as a consequence of the acts and omissions carried out in prejudice of Mrs. María Lucía Fernández Gutiérrez and of her daughter, by the physicians held responsible, and who were designated to the Regional Hospital Number 46 "Lázaro Cárdenas" in conformity what is disposed in Articles 1915 and 1927 of the Federal Civil Code.

DOMESTIC RELATIONS

Dr. José Luis Soberanes Fernández, President of the Mexican National Commission for Human Rights participated in the inauguration act of the "International Congress on Religious Freedom: Secular State, Secularity or Laicismism?"

On Monday, September 23, 2002, the International Congress on Religious Freedom: Secular State, Secularity or Laicism was inaugurated. It was organized by the Union of Universities of Latin America of the Mexican National Autonomous University (UNAM).

Dr. José Luis Soberanes Fernández, who was invited to inaugurate this Congress, declared that intolerance and persecution for religious motives are still frequent practices in our country, mainly in indigenous communities in Chiapas, Oaxaca, Jalisco and Nayarit, where the inhabitants have different religious beliefs.

During the act, which took place in the auditorium of the Universities of Latin America (UDAL), the President of the CNDH pointed out that ten years have elapsed since constitutional reforms in México pertinent to religious freedom matters were instituted, regulatory legislation is still pending in order to legislate in a prescribed manner matters such as conscientious objection, a legal figure which applies in many countries and which in México is still up in the air.

The National Ombudsman also emphasized that the violation of human rights and of the basic liberties established in Mexican legislation, particularly the right to freedom of thought, conscience, religion, or any other personal conviction must be formally objected to.

"Once we are able to reconcile daily practice of the observance of national law with measures which eliminate intolerance and religious discrimination, we will be promoting not only understanding and respect of religious matters related to freedom of religion, but also peaceful coexistence" stated Dr. Soberanes Fernández.

He also warned during his presentation that if those persons responsible for the preservation of religious freedom do not fulfill their tasks, they run the risk of promoting religious intolerance and discrimination, as well as running the risk that it might be interpreted as an omission on behalf of the State to comply with the authority of the Law, whereas the intention is to protect the freedom of the people to choose their religious option and encourage respect for plurality.

Lastly, the head of the CNDH manifested that it is a reegrettable fact that in some places situations still arise of religious intolerance and persecution, amongst members of the same social community, and even in the same family group. These examples of religious antagonism, small though they may be, he concluded, demand immediate action from the State, not only in order to avoid social conflicts, but in order to strengthen the culture of respect for people's essential rights, the observance of the law and of the State of Law.

Annual Cycle of Conferences and Round Tables: "Human Rights and Globalization"

During the month of September 2002, four round tables were held. The first took place on September 5th, and the subject under discussion was "Aids and Human Rights". It had the participation of Dr. Patricia Uribe Zúñiga from the National Center for the Prevention and Control of AIDS/HIV (CENSIDA), Mr. Pedro Morales, Litigant lawyer, and Mr. Héctor Eloy Rivas Sánchez, Coordinator of this National Commission AIDS/HIV Program. The second round table took place on September 12th under the heading of "The Inter-American Convention Against Terrorism" with the participation of Dr. Athanasios Hristoulas, professor and researcher of the Autonomous Technological Institute of Mexico, (ITAM), and of Prof. Raúl Benitez Manuat, Researcher for the Center of Investigations on North America, from the National Autonomous University of México (UNAM). The third round table was held on September 19, and dealt with the subject: "International Convention on the Protection of the Rights of Migrant Workers and Their Families", and had the participation of Lawyer Javier González-Olaechea Franco, representative of the International Labor Organization in México, and Lawyer Ms. Martha Villareal from the non-governmental organization "No Frontiers". Finally, the fourth round table took place on September 26 and dealt with the subject "Project of Facultative Protocol of the Convention against Torture and other Cruel Treatments or Cruel Punishments, Inhuman or Degrading" with the participation of Lawyer Carlos Garduño Salinas, Coordinator of Advisors of the General Direction of Human Rights, of the Office of the Attorney General of the Republic (PGR), Lawyer Claudia López David in charge of the Academic Sector for México, Central America and the Caribbean, from the International Red Cross Committee, of Dr. Adrián Ramírez López, President of the Mexican League for the Defense of Human Rights, and finally of Dr. Bertha Imaz, Adjunct Visitor of the CNDH.

TRAINING COURSES

The Mexican National Commission for Human Rights, in strict compliance with the spirit promoted by the Institution of the Ombudsman, for the promotion of the study, teaching and diffusion of Human Rights, held during the month of September 2002, 79 activities, among them 12 workshop-courses, 20 courses, 14 conferences and 8 workshops. In response to the petition from the Office of the Attorney General of Justice in the State of México, the Initial Training Program on Human Rights was imparted to federal investigating agents from the Training Institute of said office.

Also, work meetings took place with different organizations among them with members of the International Human Rights Commission, representatives of the National Council of the ONG's, with public servants from the Professional Formation Institute of the Attorney General and Justice Office of the Federal District (PGJDF), with personnel from the Freedom House Organization, Latin-American Educational Institute, from the General Directory of Academic Computation from the UNAM, the Women's Institute of Colima, the Educate Consulting Educational Affiliated Group Foundation, A.C. (CEGEA), members of the Mexican Youth Institute, representatives of the National Network against Violence to Women and Young Men, from the Workers Union, from the Senate Commission on Human Rights, and representatives from the Human Rights Coalition.

Among the themes discussed in the different activities related to training and the promotion of the Human Rights culture, are the following: "Introduction to Human Rights"; "Human Rights and education"; "Human Rights and family violence"; "Basic Aspects of Human Rights and the right to health"; "Legislation and gender"; "Rights of children"; "Rights of the elderly"; "Human Rights of women"; "Rights of people living with AIDS/HIV"; "Rights of people with different capacities"; "Vulnerable groups and family violence: specialized resources in Europe and México"; "How to legislate with perspectives on gender"; "Groups in vulnerable situations, CNDH and Human Rights"; "Human Rights complaint procedure and the use of firearms"; "Respect for Human Rights in public safety"; "Human Rights and the use of police force"; "The fight against torture and the defense of Human Rights"; "Human Rights in prison"; "Migrants' Human Rights"; "Support and financing of the ONG's"; and "Human Rights and civic participation", among others.

INTERNATIONAL AFFAIRS

Working tour of the President of the CNDH and Senators members from the Human Rights and International Affairs Commissions and from the Mexican Senate to the United States of America

For the purpose of knowing firsthand the problems which afflict the communities of Mexican migrants in the United States, and in order to work in favor of their needs, Senators from the Human Rights and the International Affairs Commissions from of the Mexican Senate, together with the President of the CNDH went on the first of a series of visits to some regions in the United States.

From September 12 to the 15, they visited the cities of Atlanta, Georgia and Orlando, Florida. On both occasions they spoke with state and local authorities from both states, community leaders and members of the Mexican and Hispanic communities.

At all times the interest México places on the treatment dealt its nationals was made clear, as was the convenience of developing similar visits to other states in the USA and, if possible, establishing them on a permanent basis.

PUBLICATIONS

Gaceta, Official publication of the Mexican National Commission for Human Rights, Number 144 corresponding to the month of July.

The Municipal Ombudsman in Mexico and the world. (3rd. Printing). Mexican National Commission for Human Rights, Mexico, September 2002. Book.

Political Constitution of the Mexican United States. (fourth edition). Mexican National Commission for Human Rights, Mexico, September 2002. Book.

Report of the Second Regional Encounter between the CNDH , the Local Commissions, and the ONG's. (3rd. Printing). Mexican National Commission for Human Rights, México, September 2002. Book.

Memorama table game (reprinting). Mexican National Commission for Human Rights, México, September, 2002.

OFFICERS

President
José Luis Soberanes
First Visitor
Victor Manuel Martínez Bullé-Goyri
Second Visitor
Raúl Plascencia Villanueva
Third Visitor
José Antonio Bernal Guerrero
Fourth Visitor
Rodolfo Lara Ponte
Executive Secretary
Francisco Olguín Uribe
Technical Secretary of the Council
Susana Thalía Pedroza de la Llave

Editor: Laura Sanabria

El cuidado de la edición estuvo a cargo de la Dirección de Publicaciones de la CNDH.

Periférico Sur No. 4118, 2º piso, Jardines del Pedregal, Delegación Álvaro Obregón, México D.F., 01900

Teléfono : (52) 51 35 05 94

Fax: (52) 51 35 05 95

E-mail: correo@ fmdh.cndh.org.mx

<http://www.cndh.org.mx>