

# NEWS LETTER

Number 116

October 2002

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### PARTICIPATION OF THE CNDH (NCHR) IN THE MEETING OF THE BOARD OF DIRECTORS OF THE INTERNATIONAL OMBUDSMAN INSTITUTE

From October 14 to the 16, in Hammamet, Tunisia, the Board of Directors of the International Ombudsman Institute (IOI) held their annual meeting. The President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández, member of the Board of Directors of the IOI, designated Mr. Francisco Olguín Uribe, Executive Secretary, so that he may participate as his representative, in the activities of the afore-mentioned meeting.

The inaugural ceremony was headed by the outgoing President of the IOI, Sir Brian Elwood, who mentioned the increasing importance of this organism, which presently assembles institutions from 111 countries.

As in previous years, during this meeting the reports of the executive officers were presented, as well as those reports corresponding to the Institute's regional chapters. By the consensus of the members from Latin America and the Caribbean, Mr. Francisco Olguín presented the report corresponding to the Latin American and Caribbean Chapter of the IOI.

The CNDH participated actively in items related to the Latin American Region founding the sympathy of other ombudsman arriving to the following decisions.

The remission of the debt for all the offices of Ombudsman members of the IIO in Latin America, which show a delay in the payment of their membership fees.

An increase of seven thousand dollars under the heading of translations, so that the most important documents of the IOI may be published in Spanish and French.

The new President, Mr. Clare Lewis, Ombudsman from Ontario, made the commitment to give priority to the renewal of the Latin American membership to the IOI.

Lastly, during the meeting the new directory of the IOI was approved: President: Mr. Clare Lewis, Ombudsman from Ontario; Vice-President: Ms. Alifa Farouk, Ombudsman from Tunisia; Treasurer: David Percy, Q.C., Dean of the Faculty of Alberta, Edmonton, Canada, and General Secretary: Ms. Alice Tai, Ombudsman from Hong Kong..

### RECOMMENDATIONS

Recommendation 35/2002  
October 11, 2002

Case: Mrs. María de los Angeles Trejo, and her minor daughter. Authority Addressed: Mexican Social Security Institute (IMSS)

On May 22, 2002 the State Commission for Human Rights in Querétaro, sent the file as well as the written complaint of Mrs. María de los Angeles Trejo Martínez to the CNDH, for deeds presumably in violation of the right to the protection of health upon her and her minor child, committed by public servants from the General Regional Hospital number 1 of the IMSS in the city of Querétaro, by means of actions consistent in an inadequate rendering of the public health service. The injured party stated that on the 20 of April, 2002, her daughter was born in the General Regional Hospital without the attending physicians taking into account the studies which had been practiced upon her, and which indicated that her daughter had the umbilical cord entangled, and that for this reason, she requested that the physicians practice a cesarean section, request which was ignored, and the doctors then proceeded to attend her daughter's birth as a normal birth, and upon complications arising, caused a severe asphyxia and cerebral spilling to her daughter. For this reason, the child was interned in that hospital, where she finally died on June 20 of this year.

From an analysis of the facts, this National Commission accredited the violation of the Human Rights of Mrs. María de los Angeles Trejo Martínez and her dead child, consisting of the violation of the right to life and the protection of health, as well as their physical and moral integrity, and due to an inadequate rendering of the public health service, medical negligence, and professional responsibility on behalf of the public servants of the IMSS. Consequently, this National Organism, emitted Recommendation 35/2002, addressed to the General Director of the IMSS, so that an investigation may be carried out to determine the possible administrative and institutional responsibility incurred by the directors and public servants of the Regional General Hospital number 1, and in this case apply the corresponding actions.

Recommendation 36/2002

October 11, 2002

Case: Mr. Eduardo Velázquez Escobedo

Authority Addressed: Labor Secretary and Social Prevention

On February 13, 2002, this National Organism received the written complaint of Mr. Eduardo Velázquez Escobedo in which he stated that in March 1998, Mexican Petroleum Company granted him a retirement pension corresponding to 78% of his salary, percentage with which he was not in agreement and, therefore, by means of a letter dated October 29, 1999, he promoted before the Special Assembly number 12 of the Federal Conciliation and Arbitration Board, the increase in the amount of said labor benefit; however, until the date of the presentation of the complaint, the labor authority had not issued the corresponding decision.

From the analysis of the information gathered by this National Commission, violations to the human right to legality and legal security of Mr. Eduardo Velázquez Escobedo were found, having proven the administrative delay in the transaction of his file, which is why it was proposed that the complaint be resolved through conciliation. However, the head of the Unit for Complaints, Reports and Responsibilities of this work unit sent a copy of the resolution in which it was determined that there did not exist any responsibility on behalf of the public servants of the Special Assembly number 12, assuring that due to the work loads to which this tribunal is subject, there exists a material and legal impossibility to take care of the judgements within the established dates and legal terms.

By reason of the above, the CNDH issued Recommendation 36/2002, addressed to the Labor Secretary and Social Prevention, so that budget, administrative and legal measures be adopted, in order to cut down on the delay in the procedure and resolution of the judgements presently before the Federal Conciliation and Arbitration Board, and so that this National Commission may be informed of the adoption and application of those measures, and finally, so that the files which are transacted before the Board be substantiated in the terms and dates established by the Federal Labor Law.

Recommendation 37/2002

October 16, 2002

Case: Appeal presented by Mr. Valente Hernández Bolán and Ms. Gloria Cecilia Solorzano Velázquez.

Authority Addressed: President of the State Commission for Human Rights of Chiapas.

On May 30, 2002, this National Commission received the appeal presented by Mr. Valente Hernández Bolán and Ms. Gloria Cecilia Solorzano Velázquez, for the inacceptance of Recommendation CEDH/009/2002, on behalf of the Attorney General's Office for the State of Chiapas, issued by the Human Rights Commission of the same federative entity.

From the analysis of the documentation sent, as well as the investigation undertaken by this National Organism, it was proven that the State Commission issued a recommendation to the State Attorney General's Office, so that an administrative procedure of investigation be initiated relative to the indemnification for the death of the person who during her lifetime was named Ivonne Aracely Castro Solorzano, from which it is implied that the State Commission did not comply with article 45, section I of the Law of Responsibilities of the Public Servants of the State of Chiapas, all the while that in points three and four, it would be impossible to fulfill on behalf of the State Attorney General's Office to whom it was addressed, since the nature of the public servants of the Ministry of Public Safety, is confused as belonging to the Attorney General's Office referred to.

For this reason, on October 6, 2002, this National Commission emitted Recommendation 37/2002 to the President of the State Commission for Human Rights of Chiapas, in order to correct the technical deficiencies, and issue a resolution in accordance to the law. Also, the Commission recommended that the corresponding control and vigilance agent be notified, so that the administrative procedure against the public servants of the State Commission be initiated, referent to the public servants who intervened in the transaction of the complaint, for probable responsibility which they may have incurred.

Recommendation 38/2002

October 22, 2002

Case: Appeal presented by Mr. Raúl García Martínez

Authority Addressed: Municipal President of Monterrey, Nuevo León

On July 18, 2002, this National Commission received the appeal presented by Mr. Raúl García Martínez against the inacceptance by the Municipal Presidency of Monterrey, Nuevo León, of the Recommendation 47/02 issued by the State Commission for Human Rights of Nuevo León.

From an analysis of the facts and evidence compiled, this National Commission accredited the merits of the grievances expressed by Mr. Raúl García Martínez, since sufficient elements exist to support the fact that public servants Alfredo G. Garza de la Garza, Secretary of the Municipal Comptroller's Office, and Oscar Guevara Salazar, Secretary of Primary Services of the Municipal Presidency of Monterrey, committed irregularities in the integration of the procedure of administrative responsibility; the Municipal President obstructed the investigation with an invalid argument, in which he intended to equate the activity of an agency which belongs to the non-judicial system of protection to Human Rights, to a legal one, and thus establish a litis which would restrict the performance of the local Commission.

For this reason, the CNDH issued Recommendation 38/2002 addressed to the Municipal President of Monterrey, Nuevo León, so that full observance be given Recommendation 47/02 issued by the State Commission, as well as the request that public servants of the Municipal Presidency of Monterrey, Nuevo León, cooperate within their jurisdictional field, with the State Human Rights Commission, in the fulfillment of the measures, or providing information and documentation which the afore-mentioned may require for the improved performance of its constitutional functions.

Recommendation 39/2002

October 23, 2002

Case: Case of minor "X" and other minors

Authority Addressed: Secretary of Public Education

On March 25, 2002, this National Commission received a written complaint from Mr. and Ms. "X", in which they stated that their daughter "Y", three years and eight months of age, as well as three other minors were victims of rape and of sexual abuse by a teacher in the Kindergarten "Arq. Ramiro González del Sordo". They clearly stated that they became aware of the facts on the 9 of December, 2001, because their minor daughter feared confessing what had happened; she also told them that she had been beaten and threatened so that she not tell what had occurred. On the 14 of December, 2001, Mr. and Mrs. "X" informed the Principal of the afore-mentioned Kindergarten, and on the 18th of the same month and year, they filed an accusation in the General Attorney's Office of the Federal District, which was declared incompetent and the accusations were forwarded to the Republic's Attorney General's Office.

From an analysis of the evidence, facts were proven which accredited violations to the Human Rights of minors "J", "N", "P", and "Y" relative to their right to healthy recreation and integral development, to the respect due their personal dignity, and the respect due their physical and physic integrity, violations which were committed by teachers of the afore-mentioned Kindergarten, who raped and sexually abused the minors. For this reason, this National Commission issued Recommendation 39/2002 addressed to the Secretary of Public Education, so that he initiate an administrative procedure against the former Principal and present Principal of the school, as well as the Sectorial Coordinator for Scholastic Education of the Sub-Secretariat of Educational Services for the Federal District, in order to determine the administrative irregularities committed by the public servants pointed out as being responsible.

Recommendation 40/2002

October 23, 2002

Case: Appeal presented by Mr. Daniel Estrada Robles and Mr. Raúl Ríos Cedillo

Authority Addressed: Constitutional Governor for the State of Morelos

On December 18, 2001, this National Commission received the appeal presented by Mr. Daniel Estrada Robles and Mr. Raúl Ríos Cedillo against the inacceptance of the Recommendation which on August 1, 2001, the Human Rights Commission for the State of Morelos sent to the head of the Attorney of Justice General's Office of that federal entity. These gentlemen indicated that they were detained and physically assaulted by public servants of the Ministerial Police of the Sub-Attorney's Office of Morelos, Eastern Zone.

From an analysis of the facts, the violation of the Human Rights of the plaintiffs was proven, since they did not receive appropriate treatment and their physical integrity was not respected. For this reason, this National Commission issued Recommendation 40/2002 addressed to the Constitutional Governor of the State of Morelos, so that he may order the State Attorney General to accept the Recommendation issued by the State Commission, and that its terms be carried out.

Recommendation 41/2002

October 25, 2002

Case: Appeal presented by Mr. Marco Antonio Valles Grosso and Mr. Rogelio Corneo Peralta, and 1,213 inhabitants of the Municipality of Caborca, Sonora

Authority Addressed: Municipal President of Caborca, Sonora

On July 18, 2002, this National Commission received the appeal presented by Mr. Marco Antonio Valles Grosso and Mr. Rogelio Corneo Peralta in their own name, and in representation of 1,213 inhabitants of the municipality of Caborca, Sonora, referent to the in-acceptance on behalf of the President of the Governmental Council, of the Municipal Operator of Drinking Water Organism, Sewage and Drainage of the City Hall of said place; of the Recommendation 06/2002 issued by the State Commission for Human Rights of Sonora, in which the request was made that the drinking water service be charged according to the existing tariffs for the year 2001, since the cost increase applied to the same was illegal, besides which, to each person who solicited it, the sum paid for the increase would be returned, except in the case of an agreement having been reached by the applicant.

From an analysis of the facts, it was proven that the Recommendation made by the State Commission adheres strictly to law, whereas it was proven that the 35% increase in the drinking water public service has caused overpayments in damage to the inhabitants of the municipality of Caborca, Sonora, since not having had the approval of the State Congress, said organism should have considered what was indicated in the third transitory article of the Municipal Treasurer's Law and applied during the year 2002, the tariffs indicated by the fiscal exercise of the previous year. For this reason, the violation in damage to the inhabitants of this municipality of their Human Rights was proven, referent to legality and legal security. As a result, this National Commission issued Recommendation 41/2002 addressed to the Municipal President of Caborca, Sonora, so that he may accept Recommendation 06/2002, which was issued by the State Commission for Human Rights of that federative entity, and that its terms be carried out.

## DOMESTIC RELATIONS

Presentation of the Acteal Chorus on the headquarters of the CNDH

On October 14, a recital was offered on the headquarters of the National Commission by the Acteal Chorus, which with its singing, as an instrument of censure, encloses an encouraging message of peace and hope for justice. The Acteal Chorus, so named in memory of those who lost their lives in the regrettable event which took place in that place, on the 22 of December, 1997, is made up of thirty-six tzotziles, men and women of the Altos de Chiapas (High lands of Chiapas), who are also members of the Civil Society Organization "Las Abejas", (The Bees) of the municipality of Chenalhó.

Present at this event were the First Lady of the Republic, the President of the National Commission for Human Rights, as well as a large part of the officials and personnel of all the CNDH.

Annual cycle of conferences and round table: "Human Rights and Globalization"

During the month of September, three round tables were held. The first took place on October 10 and has as its theme "The International Legal Cooperation: The case of the European Union", and had the participation of Dr. Alejandro Chanona Burguete, Coordinator of the Center for European Studies of the Faculty of Political and Social Science from the UNAM. The second round table, which took place on the 17 of October, "The Interamerican Court of Human Rights", had the participation of Congressman Tarcisio Navarrete Montes de Oca, Secretary of the Foreign Relations Commission of LVIII Legislature of the House of Representatives, of Dr. Francisco Javier Acuña Llamas, Coordinator of the Masters Degree in Law at the Anahuac del Sur University, and Professor Magdalena Aguilar Alvarez y Cuevas, professor of the Political and Social Sciences Faculty of the UNAM. Finally, the third round table was held on the 31 of October, with the subject "The Interamerican Court of Human Rights" and had the participation of Prof. Juan Carlos Velázquez Elizarrarás, Professor of the Faculty of Political and Social Science of the UNAM, and of Professor Jean Cadet Odimba, specialist in international affairs of the Executive Secretariat of the CNDH.

Remember: The appointment is every Thursday of the year in the "Dr. Eduardo García Maynez" Auditorium, in the Law Faculty of the National Autonomous University of Mexico, Scholars Road, University Campus, Mexico.

Training courses

The National Commission for Human Rights, adhering to the spirit promoted by the institution of the Ombudsman to disseminate the study, the teaching and spreading of the Human Rights, held during the month of October 2002, 108 activities, among them 28 courses, 12 workshop courses, 14 conferences, and 4 workshops.

Among the subjects dealt with, in the different activities of training and the propagation of the culture of Human Rights, are: "Basic aspects of Human Rights and the rights of children"; "Migrants' Human Rights, the women and children"; "Rights of the woman"; "Human Rights of the migrants and the migratory stations in México"; "Human Rights of the indigenous people"; "Human Rights and family violence"; "Human Rights duty of the nurse"; "Mediation in the family"; "Human Rights of the elderly"; "Human Rights, use of force and firearms"; "Public safety and Human Rights"; "Reviews in prisons and the protection of Human Rights"; "The protection of the Human Rights in prison"; "Respect for Human Rights in the obtention of justice"; "Functions and characteristics of the CNDH, how to report a complaint? and the procedure of the complaint"; "Human Rights and education" among others.

## INTERNATIONAL RELATIONS

### Participation of the CNDH in the 23 Annual Conference of the United States Ombudsman Association

From October 1-4, 2002, the 23 Annual Conference of the United States Ombudsman Association (USOA) was held in the city of Chicago, Illinois, USA, and its main theme was centered on the definition of standards and operational abilities of the Ombudsman offices.

For the second time, the Executive Secretariat participated in the conference with the assignment of imparting the work developed by the CNDH in its activity within the international context.

In this Conference more than 90 representatives of Ombudsman in the three levels of government, affiliated offices, participated, as well as representatives of Ombudsman offices from Canada, Japan, Indonesia, France and Mexico.

### Participation of the Fourth Visitor General of the CNDH in the workshop on the Rights of the Originating Peoples in the city of Temuco, Chile

Having been invited by the ONG Forja Corporation, Mr. Rodolfo Lara Ponte, Fourth Visitor General of the Mexican National Commission for Human Rights participated on the 17 and 19 of October, in a workshop on Originating Peoples, for the purpose of making known the programs of the CNDH through which the Human Rights of the indigenous are protected, and in response to some questions from indigenous people in the region, about the defense mechanisms of those rights. The presence of Mr. Lara Ponte is registered in the framework of the consultations and preparations which are being made for the creation of a Citizen's Defender in that country.

During the last day of his visit, Mr. Lara Ponte offered a conference about the experience of the Mexican National Commission for the Human Rights in México, in the defense of the rights of the indigenous peoples, in the Central University of Chile, in the city of Santiago.

## PUBLICATIONS

Gaceta, Official monthly publication of the Mexican National Commission for Human Rights, Number 145 and 146 corresponding to the months of August and September, 2002.

Abuses of the border patrol of the United States, illegal mexican workers and international Human Rights. National Commission for Human Rights, México, October 2002. Book.

Oasis Foundation Pro Migrants, A.C National Commission for Human Rights, México, October 2002. Triptych.

First reflexion contest about Human Rights 2002. National Commission for Human Rights, México. October 2002. Triptych.

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