

NEWS LETTER

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ANNUAL REPORT ON THE ACTIVITIES FOR THE YEAR 2002 OF THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS

In accordance with that established by the law of the Mexican National Commission for Human Rights, the President of the CNDH has the task of rendering his Annual Activities Report during the month of February, before the Powers of the Union.

During the Report on Activities corresponding to the year 2002, the President of the CNDH, Dr. José Luis Soberanes Fernández, stated that the protection of migrants, the opportune legal defense of Mexican citizens sentenced to death penalty, and the impulse towards tolerance as a formula of respect and social coexistence, are three fields of protection and defense of the human rights, whose attention requires more dedication, efficacy and public compromise.

The President of the CNDH made special emphasis on the worrisome poverty and lack of access to justice of the indigenous peoples, and communities, which lack respect to the right to cultural diversity. Thus, the National Ombudsman re-affirmed his compromise to the full respect of the rights of the indigenous, and to the abolition and punishment of the abuses committed against them.

Amongst the priorities of the CNDH, Dr. Soberanes Fernández pointed out, the fight against discrimination, especially that which public servants apply to migrants, nationals as well as foreigners; that which is exercised against women and elderly citizens, as well as against incapacitated persons, and those living with HIV/AIDS. He also stated that the increase in the number of complaints received against public health institutions, due to the lack of medications, and medical personnel, negligence in the attention given, and in general the inadequate rendering of health services, is worrisome. On the other hand, he classified as a "national shame" the homicides, insufficiently investigated, of women in Ciudad Juárez, before which society demands investigations technically substantiated, which will make possible the arrest and punishment of those held responsible.

As for the grave crisis of public safety which the country is currently living through, the head of the CNDH pointed out that this has propitiated violence and that the crimes have reached alarming levels, The reason being that the institutions charged with safeguarding the population, have not found the means to combat, in an effective manner, the impunity, to which are added factors such as the lack of training of the members of the police force, the permanence of corrupt personnel, the lack of adequate equipment, the absence of the vocation for service, and above all, the corruption, "which is still the true social cancer which originates and sustains the other evils pointed out".

The National Ombudsman mentioned that in the preceding year, the CNDH attended 10 thousand 170 plaintiffs which came to the offices of the CNDH, received 18 thousand 616 telephone calls from persons seeking legal orientation, information on some case, diverse information on human rights, and 3,575 case files were opened. He pointed out that the main violator deeds reported, were improper fulfillment of the position, the denial of the right to petition, the denial or inadequate rendering of medical service, arbitrary arrests, cruel and degrading treatment, and illegal searches and visits to homes. The authorities mainly held responsible were: The Republic Attorney General's Office, 293 cases, Mexican Social Security Institute, 224; Ministry of the National Defense, 105, Federal Commission of Electricity 68; Prevention and Social Readaptation of the Minister of Public Safety, 65, Federal Preventive Police, 60, Institute of Safety and Social Services for the State Workers, 60, Ministry of Public Education, 53, National Institute of Migration, 51, and, the Institute of the National Fund for Housing for the Workers, 40.

Lastly, the President of the CNDH placed special emphasis on the duty of the authorities to carry out their tasks with strict adherence to the law, and particularly, to the Human Rights. He remembered that in many cases, the authorities were difficult in respecting the suggestions of conciliation, and in carrying out the recommendations given them, in order to restore their rights to the plaintiffs. Dr. Soberanes explained that there were some persons who considered it an affront to their management, without taking into account that in a democratic society, the collaboration and the criticism as a civic exercise that permits the correcting and perfecting of norms, conducts and attitudes, as well as supporting the fight against impunity, and strengthening the State of Law.

The full text of the Report on the Activities for the Year 2002, can be consulted on the web page of the CNDH: www.cndh.org.mx.

RECOMMENDATIONS

Recommendation 4/2003

February 10, 2003

Case: Shortage of medical supplies and deficient or bad filling out of prescriptions in the stores or pharmacies of the Mexican Social Security Institute (IMSS).

Authority Addressed: General Director of the IMSS

During the year 2002, the Mexican National Commission for Human Rights received 60 complaints related to the inadequate rendering of the public health service, consisting of a lack of medical supplies, and deficient or null filling out of prescriptions in the stores and pharmacies of the IMSS. From the total amount of complaints which this National Organism was made aware of during 2002, and during January 2003, 39 have already been solved, and 35 are determined with this Recommendation.

From an analysis of the evidence sufficient elements are found in order to establish that in the case of the 35 complaints which are determined with this Recommendation, the right to the protection of the health of each and every one of the afflicted persons was violated, since upon not obtaining the medications for their therapeutic treatments, these had to be suspended, thus propitiating an indifference in the follow-up of their therapy.

Consequently, the CNDH issued Recommendation 4/2003 addressed to the General Director of the IMSS, in which the following recommendations are made: 1) carry out the procedures tending to regulate the necessary supply in order to have the ideal reserves of medications which the basic chart of production and the catalogue of productions contains, in order to take care of the urgent national demand, 2) make of public knowledge to the public opinion, the provision of supplies to the stores and pharmacies of the institution, 3) instruct the corresponding areas to make an evaluation of the effects that in the treatments of chronic and/or incurable illnesses the deficient supply, irregular or null of medications, prescribed, 4) dictate the rulings, bulletins or necessary agreements which forestall on a national level, a new event of shortage of medical supplies, and the consequent deficient provision of prescriptions, in order to avoid that the population should find it necessary to affect its budget, or in the worse case scenario, abandon their therapeutic programs, 5) instruct those responsible for the provisioning medications to the pharmacies, in order that they may, immediately, fill the prescriptions of those users and regulate the provision of the medications and, lastly, 6) notify the Unit of the Internal Comptroller of the Secretariat of Comptroller and Administrative Development of the IMSS, in order to initiate the procedure of investigation, and accordingly, of responsibility, regarding the public servants responsible for supplying medications to the pharmacies.

Recommendation 5/2003

February 18, 2003

Case: Appeal of Mr. Rómulo Llaven López.

Authority Addressed: Constitutional Governor of the State of Chiapas

On November 13th, 2002, this Mexican National Commission for Human Rights received the appeal of Mr. Rómulo Llaven López, for the deficient fulfillment, on behalf of the State Justice Attorney General for the State of Chiapas, of Recommendation CEDH/053/2002, issued on August 23rd, 2002, by the State Commission for Human Rights of Chiapas, in which the request is made to execute the arrest orders against Mr. Rómulo Llaven López and Mrs. Martha Coutiño Solís, and to begin the administrative procedure of investigation on the group heads of the State Investigation Agency,

Based on the above, the Mexican National Commission for Human Rights issued Recommendation 5/2003 addressed to the Constitutional Governor of the State of Chiapas so that he may order the Justice Attorney General of that federative entity, to give fulfillment to the terms pointed out in Recommendation CEDH/053/2002.

Recommendation 6/2003
February 18, 2003

Case: Appeal presented by Mr. Marco Antonio Urrutia Salas

Authority Addressed: Municipal President of Monterrey, Nuevo León

On September 23rd, 2002, this Mexican National Commission for Human Rights received the appeal of Mr. Marco Antonio Urrutia Salas against the inacceptance of Recommendation 93/2002, dated June 28th, 2002, issued by the State Commission for Human Rights of Nuevo León, addressed to the Secretariat of Highways and Traffic of Monterrey, Nuevo León.

From an analysis of the evidence obtained, the negative response of the office in question from initiating a procedure of responsibility against Traffic Agent Luis Carlos Delgado Treviño was supported, upon incurring undue exercise of public service, failing to comply with the obligation to safeguard the legality, honesty, loyalty, impartiality and efficiency in the carrying out of his duties.

For this reason, this Mexican National Commission for Human Rights issued Recommendation 6/2003, addressed to the Municipal President of Monterrey, Nuevo León, so that he may instruct the Secretary of Highways and Traffic, to give complete fulfillment to the first point of Recommendation 93/2002, issued by the State Commission.

Recommendation 7/2003
February 26, 2003

Case: Appeal presented by the minors Jehova Witnesses in Morelia, Michoacán

Authority Addressed: Constitutional Governor of the State of Michoacán

On October 20th, 2002, this Mexican National Commission for Human Rights, received the appeal presented by Mrs. María Cruz Tomás González, and others, for the lack of execution of Recommendation 16/2002, which on June 17th, 2002, the Commission for Human Rights for the State of Michoacán, addressed to the Secretary for Education in the State, pointing out as a grievance, the suspension of the plaintiffs' children from the educational services of the entity.

From an analysis of the evidence, this National Organism found sufficient proof to establish the legal admissibility of damage, since the minors harmed, Noemí and Madai Logino Tomás; Jonatan Marisol and Claudia Medina Sánchez and Rocío and Oliva Mondragón Coruna, who are enrolled in the Elementary School "Benito Juárez" of Cresencio Morales, Zitácuaro, Michoacán, are suspended on Monday, Tuesday and Wednesday of each week, since, being Jehova Witnesses they refuse to pay homage to the patriotic symbols, behavior which transgresses their rights to education and religious freedom. They, therefore, suffer a discriminatory treatment because of the religion which they profess, situation which is contrary to the fundamental rights of equality, contemplated in the 1st Constitutional Article.

From an analysis of the facts, this National Organism issued Recommendation 7/2003 addressed to the Governor of the state of Michoacán, so that he may instruct, whosoever be responsible, to give fulfillment to Recommendation 16/2002, issued by the State Commission, addressed to the Secretariat of Education of said entity. Also, to instruct the State Secretary for Education, so that the proper administrative measures be taken in order to inform the minors of the necessary knowledge for their academic regulation in the Elementary School "Benito Juárez" of Cresencio Morales, Zitácuaro, Michoacán.

DOMESTIC RELATIONS

The CNDH inaugurated a new office in Tenosique, Tabasco

On February 7th of the present year, the President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández, inaugurated the office of the CNDH in the city of Tenosique, Tabasco, which will have as a priority, the attending of the claims for violations to the fundamental guarantees of the persons in transit towards the United States, especially central-americans who enter the country by the border point known as El Ceibo.

During this act, the National Ombudsman urged the application of public policies, supported by national and international legal instruments, which promote, protect and defend the basic rights of this vulnerable group.

Among those present at the inauguration act, were the Minister of the Department of the Interior, the Governor for the State of Tabasco, the President of the Commission of Human Rights from the Republic's Senate; the Sub-Secretary of Population, Migration and Religious Affairs; the Head of the Unit of Human Rights from the Human Rights Unit of the Department of the Interior, amongst others.

The CNDH drew attention to the complaint file initiated by the State Commission for Human Rights of Chiapas, motivated by the deaths of 34 newborn babies, occurred in the General Hospital of Comitán, Chiapas

In relation to the investigation, which in the sphere of its faculties, the Mexican National Commission for Human Rights is undertaking, about the deaths of 34 newborn babies born in the General Hospital of Comitán, Chiapas, and after having drawn on January 30th the complaint file initiated by the State Commission for Human Rights of Chiapas, due to the facts, the Health Ministry and the CNDH, given the importance of the case, and in order to contribute to the avoidance of similar situations in Chiapas, or in other vulnerable places, caused by similar marginalism in conditions of extreme poverty, the above-mentioned agreed to the integration of a committee of experts capable of analyzing and determining various medical aspects of the deaths of the 34 newborns in the General Hospital of Comitán, their causes, and to reinforce immediate/preventive measures.

The committee of medical experts must be integrated by representatives of the Mexican Pediatric Academy, the National Academy of Medicine, and the Mexican Academy of Surgery.

On the homicides of women in Ciudad Juárez, Chihuahua

Giving continuity to the protest acts which every 25th of each month a group of about one hundred women, militants of the Mexico Possible Party, hold, so as to demand from the authorities their intervention and the application of justice in the cases of the homicides of women occurred in Ciudad Juárez, in February of this year, the CNDH was given a new petition where it is asked to constitute a guarantor in order to verify that the state as well as the federal governments, as well as the Republic's Attorney General's Office, effectively direct their actions towards the clearing up of the investigations and establish a STOP to impunity.

The CNDH began a routine complaint in relation to this case and decided that its office in Ciudad Juárez, Chihuahua, opening soon, in charge of rendering attention to migrants, know also, according to its faculties, the complaints for violations to the human rights, resulting from these deaths.

The demonstrators expressed their alarm and sorrow, because far from advancing in the investigations, since the beginning of the year 2003, the bodies of four other women have been found, one of them a minor.

Training courses

The Mexican National Commission for Human Rights, in adherence to the spirit promoted by the institution of the Ombudsman for the spreading of the study, the teaching and the disclosure of the Human Rights, realized, during the month of February, 2003, 75 activities, among them 15 courses, 15 workshops, 16 courses-workshops, and one conference.

Among the subjects dealt with in the different activities of training and the diffusion of the culture of Human Rights are: "Basic aspects of Human Rights", "Rights of Infants", "Training Program in Human Rights for basic education", "Family violence", "Rights of boys and girls", "Course on Human Rights and Public Safety", "Federal Centre of Social Readaptation (CEFERESOS) and Human Rights", and "Formation of promoters in Human Rights".

PUBLICATIONS

Gaceta, Official publication of the Mexican National Commission for Human Rights, Number 149, corresponding to the month of December, 2002.

Annual Report 2002 on the Activities of the CNDH, México, CNDH, February, 2003.

OFFICERS

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

Executive Secretariat
Editor: Laura Sanabria
Deputy Director of
E-mail: lsanabria@cndh.org.mx

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