

# NEWS LETTER

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### "CULTURE WEEK ON HUMAN RIGHTS"

The Mexican National Commission for Human Rights, with the support of the National Council for Culture and the Arts and the National Museum of Popular Cultures and in order to commemorate the Worldwide Human Rights Day, celebrated "Culture Week on Human Rights and" which took place from December 8 th to 12 th in the headquarters of the National Museum of Popular Cultures, the National Conservatory of Music of the National Institute of Bellas Artes (Fine Arts), as well as in the establishments of the Mexican National Commission for Human Rights (CNDH).

The inauguration of the event took place under the leadership of Mrs. Sari Bermúdez, President of the National Council for Culture and the Arts and the President of the CNDH, Dr. José Luis Soberanes Fernández.

In the inaugural ceremony, the National Ombudsman manifested that the cultural activities are not necessarily a business, require that society and the State together decided to support them, "as a country we are still far from having a clear and serious compromise with cultural creation with science and with the diffusion of knowledge". Also, Dr. Soberanes emphasized that "culture means the freedom of ideas and the free manifestation of thought. Culture gives persons the opportunity to know and the capacity to judge and the same becomes one of the fundamental supports for the exercise of this freedom".

This Human Rights Culture Week, began with a concert by the International Mayan Group and with the lecture of sonnets by Professor Griselda Álvarez Ponce de León, member of the Consultative Council of the CNDH.

During this week through discussion tables, subjects such as "The Rights of the Indigenous Groups"; "The Cultural Rights"; "Children and

Young People"; "Diversity in Culture and Citizen Participation"; and, "The Performance as a Means of Promotion and Diffusion of the Human Rights" were discussed. Activities such as conferences, expositions of plastic arts, painting workshops, poetry, music, dance, movie and theater events were also developed.

### RECOMMENDATIONS

Recommendation 49/2003  
December 17 th , 2003

Case: Mrs. Cruz María Zameza Guzmán  
Authority addressed: General Director of the Mexican Social Security Institute

On June 11 th , 2003, this Mexican National Commission for Human Rights received via fax the written complaint presented by Mr. Feliciano García de la Cruz in which he expressed presumed violations to the Human Rights committed against his wife Cruz María Zameza Guzmán attributable to public servants from the Family Medicine Unit Number 68 and the Zone General Hospital Number 36 of the Mexican Social Security Institute (IMSS) in Coatzacoalcos, Veracruz, consisting in medical negligence. The plaintiff stated that due to these deeds he presented an accusation before the agent of the Public Prosecutor of that federative entity, and thus the prior investigation COATZ.402/2003 was initiated.

From an analysis of the facts and the investigation undertaken by this Mexican National Commission for Human Rights, the existence of violations to the Human Rights to life and the protection of health of Mrs. Cruz María Zameza Guzmán was proven, Mrs. Guzmán being in her 36 th week of pregnancy and said Mrs. Guzmán receiving a deficient and inadequate rendering of the public service in reference to health, all the while that the public servants assigned to the Zone General Hospital Number 36 of the IMSS in Coatzacoalcos, Veracruz who provided the medical attention to the aggrieved, did not carry out a strict, opportune, professional and quality vigilance, as was their obligation and thus causing, presumably, the death of her son.

Due to the above, this Mexican National Commission for Human Rights issued Recommendation 49/2003 addressed to the General Director of the Mexican Social Security Institute, in which it was recommended that payment be made by concept of indemnity, to Mrs. Cruz María Zameza Guzmán as a consequence of the institutional responsibility of the deficient medical attention provided to her and which presumably caused the death of her child.

Also, the recommendation was made that training courses on the contents of the Mexican laws and official norms on matters of health be given to the medical personnel assigned to the Zone General Hospital Number 36 of the IMSS in Coatzacoalcos, Veracruz in order to avoid future transgressions such as the present case.

Recommendation 50/2003  
December 17, 2003

Case: Mrs. María del Refugio Zenteno Hernández  
Authority Addressed: General Director of the Mexican Social Security Institute

On July 8 th , 2003, this Mexican National Commission for Human Rights received the written complaint presented by Mrs. María del Refugio Zenteno Hernández, in which she pointed out deeds presumably in violation of her reproductive rights, committed against her, attributed to public servants of the Gynecologic Pediatric Hospital 3-A of the Mexican Social Security Institute (IMSS) "Magdalena de las Salinas" in the Mexico city, consisting in forced contraception and the incorrect exercise of the public function.

From the investigation undertaken by this Mexican National Commission for Human Rights, the existence of diverse irregularities was proven, and thus the conclusion is reached that violatory acts to the Human Rights of Mrs. María del Refugio Zenteno Hernández, were accredited, by public servants of the Gynecological Pediatric Hospital 3-A of the IMSS "Magdalena de las Salinas" in the Mexico city.

Based on the above, this National Organism considered that the violation to the rights of freedom of procreation of the aggrieved by actions consisting in forced contraception and incorrect exercise of the public function was proven, upon practicing upon Mrs. Zenteno tubule bilateral ligation or (salpingoclasia) without her consent. Therefore, this Mexican National Commission for Human Rights issued Recommendation 50/2003 addressed to the General Director of the Mexican Social Security Institute, in which the following recommendations were made:

- Payment be made to Mrs. María del Refugio Zenteno Hernández by concept of indemnity which may result under lawful terms as a consequence of the institutional responsibility of the practice of the tubule ligation or salpingoclasia she was subjected to without her full consent and without having been correctly informed.
- Training Courses be given corresponding to the contents of Mexican Laws and official norms in matters of health to the personnel which integrate the Quality Committees of Medical Attention of the Mexican Social Security Institute in order to avoid future transgressions such as the present case.
- Instructions be issued to the personnel of the Mexican Social Security Institute who participated in the programs of voluntary family planning and to the personnel which intercedes on a surgical level, so that the necessary measures be taken that in the future, in the operation of this programs the normativity about informed consent be fulfilled.
- That according to Law, an administrative procedure of investigation be initiated and determined against the doctors of Gynecological - Pediatric 3-A of the IMSS "Magdalena de las Salinas" Mexico city and members of the Quality of Medical Attention Committees in that Hospital.
- Finally, that according to Law, an administrative procedure of investigation be initiated and determined against the public servants who failed to render in a complete manner the information requested by this National Organism.

Recommendation 51/2003  
December 18 th , 2003

Case: Sexual abuse of the minor "Y" from the Home for the Wellbeing and Childhood Development Number 66 of the Security and Social Services Institute for State Workers (ISSSTE).  
Authority addressed: General Director of the Security and Social Services Institute for State Workers.

For reasons of confidentiality and discretion this National Organism decided to withhold the plaintiff's name, the name of the aggrieved child and of the public servant involved in the present deeds who shall be named "X", "Y" and "Z" respectively in the present document.

On September 1 st , 2003, this Mexican National Commission for Human Rights received the complaint of Mrs. "X" in which she denounced violatory acts to the right of the aggrieved minor that her integrity be protected, committed by public servants of the ISSSTE.

Consequently, this Mexican National Commission for Human Rights issued recommendation 51/2003 addressed to the General Director of the ISSSTE in which the following recommendations were made:

- An administrative procedure of responsibility be initiated and determined, according to Law, against the employee "Z", for the conducts specified in the observations chapter of the present document; also, that as a means of prevention "Z" be assigned to areas not related to students nor the care of minors in order to procure the greatest protection for the students in these cases; this without prejudice to the labor rights of that public servant.

- Lastly, an administrative procedure of responsibility be initiated and determined, according to Law, against the public servants because of the conducts pointed out; that the necessary directions be issued so that the public servants from the ISSSTE, in the case of any type of abuse of minors assume their responsibilities of informing and the immediate collaboration in order to prevent abuses, take care of them, and in each case denounced them to the competent ministerial authorities and before the Internal Control Organ in the ISSSTE, without harming the prompt and expeditious information to their head superiors in order to make them aware of the facts, and that the necessary measures be taken to safeguard, in said cases the integrity of the minors who attend to Homes for the Wellbeing and Childhood Development of the ISSSTE.

Recommendation 52/2003  
December 19 th , 2003

Case: Appeal by Mr. Olivo Carbajal Abonza  
Authority addressed: H. Town Council of Chilpancingo de los Bravo, Guerrero

On November 29 th , 2002, this Mexican National Commission for Human Rights received the appeal which Mr. Olivo Carbajal Abonza presented before the Defense Commission of the Human Rights for the State of Guerrero on November 21 st , 2002, for the inacceptance of Recommendation 072/2002, issued by that State Organism protector of the Human Rights on October 25 th , 2002 to the Municipal President of Chilpancingo de los Bravo, Guerrero and the Town Council of that organism for the affectations and irregularities presented in the construction initiated by Mrs. Bertha Reyes Deloya on her property, which is next to that of the appelland and causes harm to the property of the same. Mr. Carbajal Abonza stated that he made Mrs. Reyes Deloya aware of these circumstances and asked her to build a "neighboring wall in order to avoid humidity and pressures on the same land", however, Mrs. Reyes Deloya ignored this request.

In light of this, the plaintiff approached the Direction of Urban and Ecological Developments of the Town Council of Chilpancingo, Guerrero, and presented a written complaint in which he manifested the irregularities in the construction of Mrs. Reyes Deloya's property, and requested that it intervene in order to put an end to this situation; however he did not received a reply to his request.

On May 21 st , 2002, he interposed a complaint before the Defense Commission of the Human Rights for the State of Guerrero, which issued Recommendation 072/2002, once the pertinent technical, legal evaluations were undertaken .

On November 18 th , 2002, the Municipal Authority informed the Defense Commission of Human Rights for the State of Guerrero that it not accept the Recommendation in view of the fact that the plaintiff had interposed a legal claim against Mrs. Bertha Reyes Deloya for the reparation of the damages, and therefore the matter was in a judicial instance.

From the integration which this National Organism undertook the conclusion was reached that the Defense Commission of the Human Rights for the State of Guerrero, issued, according to Law Recommendation 72/2002, all the while that it credited the violation of the Human Rights of petition, legality and judicial safety of Mr. Olivo Carbajal Abonza on behalf of the public servants of the Town Council of the municipality of Chilpancingo de los Bravo, Guerrero. Also, for this National Organism the argument of the Municipal Authority that

it is a jurisdictional matter, is not valid since the State Commission pronounced on the acts undertaken by the public servants of the Town Council of Chilpancingo de los Bravo, Guerrero, and not in relation to the litigation that the aggrieved maintains with his neighbor.

Due to above, this National Organism decided to issue Recommendation 52/2003 addressed to the Town Council of Chilpancingo de los Bravo, Guerrero so that it may issue its instructions to whom ever corresponds so that under the terms above pointed out in the observations section of the present Recommendation, the Recommendation points First and second of Recommendation 72/2002 issued by the Defense Commission of the Human Rights for the State of Guerrero, be accepted on their terms.

## DOMESTIC RELATIONS

### Meeting between the CNDH and the National Academy of Radio and Television Journalists (ANPERT)

On December 4 th , a meeting took place between the National Ombudsman José Luis Soberanes Fernández and the National Academy of Radio and Television Journalists (ANPERT), in which the members of the ANPERT manifested their complete agreement with the legislative reforms project proposed by the Mexican National Commission for Human Rights, so that the right of the journalist to keep secret the identity of their sources of information on matters which are the subject of their informative labor, be recognized and preserved. Samely, they pointed out that the ANPERT will pay close attention to the evolution of this legislative proposal, presented to the Senate of the Republic on April 14 th , and into the study of commissions and will inform all its members on the same.

During this meeting, it was also agreed to give shape to an agreement of collaboration between the Academy and the CNDH on matters of attention to complaints presented by active journalists for procedures of authority contrary to the guarantees of said group, as well as for the transmission of cases and causes relative to Human Rights in general.

The members of the ANPERT gave to the President of the CNDH a model of the code of ethics of its group, the same which recognizes diverse rights to the members of the audience amongst them that of rejoinder in inexact cases on behalf of the informants; as well as the obligation of this persons to distinguish between the narration of the deeds and opinions and interpretations.

### Agreement between the CNDH and the State Commission for Human Rights of Michoacán

Last December 5 th , 2003, the National Ombudsman signed a Cooperation Agreement with the State Commission for Human Rights of Michoacán.

Under the activities of this agreement several dissemination programs of formation and circulation on matters of Human Rights, will be undertaken as well as programs of attention to complaints presented in order to give them the corresponding follow-up.

During this act, the President of the CNDH pointed out that the public Human Rights Commissions are not antagonistic to the authorities, but organizations which motivate the improvement of the public activity before those governed.

Also, he pointed out that the public organisms for the defense and promotion of the Human Rights, permit the unveiling of arbitrary conducts and patterns of violations to guarantees which the public servants may incurred in the immediate contact with the citizenship.

### Training courses

As part of the actions to promote a culture of Human Rights, the Mexican National Commission for Human Rights undertook during the month of December 69 activities, amongst them courses, workshops and conferences addressed to the personnel assigned to the basic, middle and higher education systems, groups in vulnerable situations, public servants and social organizations.

## FOREIGN RELATIONS

The CNDH participated in the Second Board Meeting of the Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean.

The Executive Secretary of the Mexican National Commission for Human Rights participated in the Second Board Meeting of the Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean which was held in Copenhagen, Denmark on the 3 rd and 4 th of December 2003.

The objective of this Special Fund consist in widening and consolidating the defense of Human Rights in Latin America and the Caribbean, through the strengthening of the present institutions of the Defender of the People and National Institutions of Human Rights, and, when it be necessary, the creation of new ones. This task is undertaken through the financing of activities whose purpose is supporting the creation, consolidation and strengthening of Institutions of Defenders of the People and National Institutions in Latin

America and the Caribbean amongst other actions, increasing the collaboration between said Institutions of Latin America, the Caribbean and Europe.

During this Second Board Meeting the CNDH, in its role as Secretary pro tempore of the Network of National Institutions for the Promotion and Protection of the Human Rights of the American Continent, had as its purpose to conclude the details for the running of a Secretariat responsible for the establishment of administrative procedures, accounting and the handling of the Fund before the Board of Director. It is hoped that during the next meeting of the Fund to be celebrated in Geneva, Switzerland, right after the work meetings of the International Coordination Committee, during the 60 th sessions of the United Nations Commission for Human Rights, the Institution which will occupy the post of Secretary of the Fund, be named.

The CNDH participated in the Round Table "Paris Principles - A Reflection"

On December 10 th and the 11 th , at Wilson Palace in the city of Geneva, Switzerland, the Office of the United Nations High Commissioner for Human Rights held a Round Table to commemorate the 10 th Anniversary of the approval of the "Paris Principles".

The National Institutions established in conformity with the "Paris Principles" were invited to this event, these principles being norms which established the necessary alignments which a National Institution must have for the good development of these activities.

On this occasion, the Executive Secretary of the CNDH attended representing the President of the CNDH, and participated in the several panels which discussed the following subjects: Legal basis and resources: experiences and solutions; Composition procedures and designation of personnel; Other challenges to independence; Operatives Methods competencies and responsibilities; promotion and protection of the Human Rights; Relationships with the NGO's, the Executive, the Parliament and the Judiciary amongst many others.

## PUBLICATIONS

Gaceta, Official monthly publication of the Mexican National Commission for Human Rights, number 160 corresponding to the month of November 2003.

Memory of the International Seminar on Indicators and Diagnosis on Human Rights. The Case of Torture in Mexico, Mexico, CNDH, December 2003. (Spanish and English version)

Political Constitution of the Mexican United States (sixth edition) Mexico, CNDH, December, 2003

Present Panorama of the Human Rights of the Elderly Persons: " The situation of Mexico in the face of international commitments" Mexico, CNDH, December, 2003

Accessibility as a Human Right for the people with disabilities, México, CNDH, December, 2003

The Right to sign language: Bilingual education for the deaf people. México, CNDH, December, 2003

Violence against women with disabilities. México, CNDH, December, 2003

Mistreatment towards elderly people. México, CNDH, December, 2003

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