

NEWS LETTER

Number 135

May 2004

CONTENTS

- THE CNDH ORGANIZED THE CONFERENCE "WORKER WOMAN, KNOW YOUR RIGHTS"
- RECOMMENDATIONS
26/2004 to 33/2004
- DOMESTIC RELATIONS
The CNDH underwrote collaboration agreements with 9 Mexican Non Governmental Organizations
Training courses
- INTERNATIONAL AFFAIRS
Meeting between the President of the CNDH and the office of the Prosecutor of Human Rights of Guatemala .
- PUBLICATIONS

THE CNDH ORGANIZED THE CONFERENCE "WORKER WOMAN, KNOW YOUR RIGHTS"

Last May 3 rd , the Mexican National Commission for Human Rights held the Conference "Worker Woman, Know Your Rights" in the headquarters of this institution. In this Conference issues such as: "Rights of the Worker Woman", "Equality of Opportunities", "Working Rights of Adult Elderly Persons", "Work Rights of the Woman with AIDS/HIV" and "Shared Family Responsibilities", were discussed.

During this act, the Coordinator of the Program on Women's Affairs, Childhood and the Family of the Mexican National Commission for Human Rights, pointed out that in our country the number of worker mothers totals 4.1 million, and that they represent the main income support in the homes of approximately 16 million people who lived in them. However, she pointed out that the working women continue to be subjected to work discrimination, with less income than the one obtained by men for the same work.

In like manner, during the debates, countless debates were dealt which demonstrates the state of defenselessness in which this vulnerable group of the population finds itself, among them, we must point out that according to the results of the National Work Survey 2000 of the National Institute of Women, working mothers in Mexico amount to 8.5 million, which represents more than one fifth of the population economically active. However, almost 13 of every 100 worker women mothers who do not receive any income and designate the totality of their efforts to the welfare of the whole family.

Likewise, during this event it was revealed that among other subjects related to the lack of access to better living work and health conditions of Mexican women, in the last few years many mothers besides the care that they offer daily to their sons and daughters, to their family and the home, actively participate in the work markets, and that in countries such as México the participation of women in the economic life is in addition to the performance of domestic tasks. However, it has been proven that men participate sporadically and do not hold themselves responsible for these tasks.

RECOMMENDATIONS

Recommendation 26/2004
May 4 th , 2004

Case: Mrs. Guadalupe González Villegas
Authority Addressed: General Director of the Mexican Social Security Institute (IMSS)

On October 29 th , 2003, this Mexican National Commission for Human Rights, received a written complaint from Mr. Hipólito Pérez Fuentes in which he manifested alleged violations to the Human Rights committed in prejudice of his wife, Mrs. Guadalupe González Villegas. This damages being attributed to public servants of General Regional Hospital Number 196 of the IMSS in Ecatepec, State of México , consisting in medical negligence and inadequate rendering of the public health service which provoked her death.

From an analysis of the facts, and evidence integrating the present case, violations to the rights of life and protection of the health of Mrs. Guadalupe González Villegas are deduced, since the physician assigned to the case, without having a complete diagnosis of the patient, issued a reckless decision in practicing a neck surgery, which caused the death of the patient.

For this reason, on May 4 th , 2004, this Mexican National Commission for Human Rights, issued Recommendation 26/2004 addressed to the General Director of the IMSS, in order to issue the payment of the corresponding compensation, according to law, to whomever proves having greater right to receive it. Also, the Recommendation signed out that in the present case intervention be given to the Internal Control Organ of the Secretariat of Public Function in the Mexican Social Security Institute, so that an administrative procedure be initiated and determined according to Law, against the public servants from the medical area of that Institute, who participated in the deeds.

Recommendation 27/2004
May 4 th , 2004

Case: Minor Luis Jacob Moreno Marín
Authority Addressed: General Director of the Mexican Social Security Institute (IMSS)

On July 25 th , 2003, this National Organism received the written complaint of Mrs. María Guadalupe Rivera Marín, in which she pointed out that on June 17 th , 2003, her minor son Luis Jacob Moreno Marín was surgically operated in the Zone General Hospital Number 35 of the IMSS in Ciudad Juárez, Chihuahua for the purpose of removing his tonsils; however, the child died due to brain death in the Intensive Care Unit 22 days after the operation.

From an analysis of the deeds and evidence integrating the complaint file sufficient elements were found to accredit violations to the rights of life and protection of health of the minor Luis Jacob Moreno Marín, due to the inadequate rendering of the public health service which was given to him by public officers of the Zone General Hospital Number 35 of the IMSS in Ciudad Juárez, Chihuahua.

Because of this, this Mexican National Commission for Human Rights issued on May 4 th , 2004, Recommendation 27/2004 addressed to the General Director of the IMSS that he may make the corresponding payment by concept of compensation and that orders be given to the Delegate of the IMSS in the State of Chihuahua, so that training be given in the knowledge of the official Mexican Norms to the personnel of that Delegation.

Recommendation 28/2004
May 4 th , 2004

Case: Appeal presented by Mr. Francisco Monsivaís Cortéz
Authority Addressed: Constitutional Governor of the State of Nuevo León

On January 9 th , 2004, this Mexican National Commission for Human Rights initiated file 2004/15-1-1 motivated by the appeal presented by Mr. Francisco Monsivaís Cortéz, in which he manifested his nonconformity with the resolution dictated by the Honor and Justice Commission dependent of the General Secretariat of Government of the State of Nuevo León in fulfillment of Recommendation 157/03 issued by the Local Organism, since, in its opinion that Honorary Commission detrimentally violated, articles 1º, 14, 16 and 21, of the Political Constitution of the Mexican United States , since this Honor Commission never summoned the elements of the then Direction of Public Safety of the State, although they were fully identified by the person harmed as the people who, without any order issued by a competent authority, on August 16 th , 2001 entered his domicile and roughly removed him, so that he could appear in the administrative procedure initiated against the then Direction of Public Safety, today Secretariat of Public Safety of that federative entity, although he had an address where he could be found.

From an analysis of the evidence, this Mexican National Commission for Human Rights, considered that the motive for the nonconformity presented by the appellant was accredited: for this reason on May 4 th , 2004, this National Organism issued Recommendation 28/2004 addressed to the Constitutional Governor of the State of Nuevo León, that he may instruct the General Comptroller to initiate an administrative procedure against the public servants of the Honor and Justice Commission dependent of the General Secretariat of Government of that State, who were in charge of processing administrative procedure 157/03; also, to the Justice Attorney General of that State so that he may initiate and determine a prior investigation against the elements of the then Public Safety Direction, and that he may order whomever it corresponds to authorize the Internal Control Organ to initiate and determine an administrative procedure against the agent of the Public Prosecutor's Office who was in charge of the integration of the prior investigation 467-2001-11.

Recommendation 29/2004
May 4 th , 2004

Case: Appeal presented by Mr. Margarito Galindo Galindo.
Authority Addressed: Constitutional Governor of the State of Morelos .

On October 6 th , 2003, this Mexican National Commission for Human Rights received the appeal presented by Mr. Margarito Galindo Galindo against the no acceptance of the Recommendation issued on May 27 th , 2003 by the State Commission for Human Rights of Morelos, by the General Director of Transportation of that federative entity and of the evidence obtained, the provenance of the grievance expressed by the appealant was accredited, since the Local Commission motivated and soundly based determined that the violations to the Human Rights, were accredited, upon establishing that the Inspector of the Direction of Public Transportation harmed her right to legality and legal safety since derived from the facts stated in the traffic ticket, it was deduced that article 261 section B fraction II of the Transit and Transportation Rule for the State of Morelos, was infringed, since this precept refers to transportation public servants, capacity which Mr. Margarito Galindo Galindo did not possess as he was driving an automobile of private usage.

This National Organism coincides with the State Commission for Human Rights of Morelos, upon establishing the illegality of the bothersome action performed against the appellatant. Therefore, on May 4 th , 2004, this Mexican National Commission for Human Rights issued Recommendation 29/2004 addressed to the Constitutional Governor of the State of Morelos, so that complete fulfillment be given to the Recommendation issued on May 27 th , 2003 by the State Commission of Human Rights of Morelos.

Recommendation 30/2004
May 12 th , 2004

Case: Appeal presented by Mr. Rafael Gallardo Ramirez and Ms. María Valdéz Anguiano.
Authority Addressed: Constitutional Governor of the State of Colima

On January 17 th , 2003, this Mexican National Commission for Human Rights received the appeal presented by Messrs. Rafael Gallardo and María Valdéz Anguiano, in reference to the non-acceptance of Recommendation PRE 123/02 issued by the State Commission for Human Rights of Colima, addressed to the Justice Attorney General of that state.

From the logical-legal analysis of the facts integrating the above mentioned file, it was found that the head of the Third Chair of the Central Sector of the Justice Attorney General's Office of the State of Colima who integrated prior investigation 167/97, only exercised legal action for the crimes of robbery, forgery, and the use of false documents, without reaching a determination on the facts related to the crime of homicide committed against Mr. Salomón Gallardo Valdéz, this crime being previously investigated.

Due to the above, on May 12 th , 2004, this Mexican National Commission for Human Rights issued Recommendation 30/2004, addressed to the Constitutional Governor of the State of Colima, in which the recommendation was made that the State Justice Attorney General be instructed so that he may take the necessary measures which will allow the initiation of an investigative administrative procedure of the person in charge of the investigation and integration of the investigation related to the homicide of Mr. Salomón Gallardo Valdéz, in accordance to the observations validated in the present document; also to issue his instructions to initiate legal actions which lead to the execution of arrest warrants, still pending against the probable persons responsible of qualified robbery, under the terms of authorship and participation, falsification and use of a false document, in order to clear up the crime of homicide committed against Mr. Salomón Gallardo Valdéz.

Recommendation 31/2004
May 14 th , 2004

Case: Application of a polygraph exam in an administrative investigation of marine Vanessa Elizabeth Corona Ramirez
Authority Addressed: Secretary of the Navy

On December 17, 2003, this Mexican National Commission for Human Rights received the written complaint of the marine from the Naval Administration and Intendance Service Corps, Vanessa Elizabeth Corona Ramirez, assigned to the Department of Administrative Control of the Secretariat of the Navy, in which she pointed out that in October, 2003, a quantity of money was removed from her desk, money which have been collected for the purpose of a cadet dinner (sic), making known these deeds to the Rear Admiral of the General Body and Adjunct General Director of Hydrographic and Cartography, who requested that the polygraph test be practiced upon the plaintiff owing to the alleged "deviation of resources", this lasting nine hours, time during which she did not have any form of

nourishment, and once concluded said exam, insistence was placed upon she to plead guilty, for if she did not do so, steps would be taken against her father and other relatives who work in the Secretariat of the Navy.

From the logical-legal analysis of the facts which integrate the complaint file it is noted that public servants of said Secretariat incurred in violatory actions against the Human Rights of Vanessa Elizabeth Corona Ramirez, and because of this on May 14 th , 2004, this Mexican National Commission for Human Rights issued Recommendation 31/2004, addressed to the Secretary of the Navy, in which it recommended that the corresponding administrative procedure be initiated, against the public servants who ordered and applied the polygraph exam for purposes of the administrative investigation; on the other hand, the CNDH requests that he dictate the necessary administrative measures in order to avoid the polygraph exam being used in administrative investigations, and in this manner, protect the rights which the public servants from the Secretariat of the Navy have, and that their human dignity and privacy be respected; also, that the necessary measures be taken so that the information obtained from the polygraph exam practiced on the person harmed be carefully safeguarded and that she be informed on the finality of the same, and her free, expressed, specific and unequivocal consent be obtained so that it may remain safeguarded in that department, or should it not be given, this exam be destroyed.

Recommendation 32/2004
May 24 th , 2004

Case: Committee for Citizens Defense, A.C. (CODECI), represented by Mr. Catarino Torres Pereda and others.
Authority Addressed: Constitutional Governor of the State of Veracruz

On February 19 th , 2003 this Mexican National Commission for Human Rights, received the written complaint of the Committee for Citizens Defense, A.C.; members of the "National Front for the Defense of the Sovereignty and Rights of the People" represented by Mr. Catarino Torres Pereda and others, in which they mainly referred to the irregularities incurred by the personnel of the Justice Attorney General's Office for the State of Veracruz to be precise, the one assigned to the municipalities of Playa Vicente and Cosamaloapan de Carpio who at one time were responsible for the investigations of the homicides of their companions Prisciliano Martínez Pérez and María Elena María Gutiérrez occurred on the 24 th of August, 2002 as well as that of Gaspar Hernández Matías, which took place on the 13 th of February, 2003.

Due to the above, and from an analysis of the facts and the investigations undertaken, on May 24 th , 2004, this Mexican National Commission for Human Rights issued Recommendation 32/2004 addressed to the Constitutional Governor of the State of Veracruz, in which the CNDH recommended that authorization be given to the Internal Control Organ of the Justice Attorney General's Office of the State of Veracruz, so that a corresponding administrative procedure be initiated against the social representatives. In like manner, that authorization be given to the corresponding agent from the Public Prosecutors Office so that he may initiate a prior investigation into the possible criminal conducts incurred by the personnel from the Public Prosecutors Office in charge of the integration of the previous investigations, and the social representative assigned to the First Court of the First Instance of the Judicial District of Cosamaloapan de Carpio, Veracruz, respectively.

On the other hand, the Recommendation signed out that the Governor of the State of Veracruz issue his instructions to the Justice Attorney General of that federative entity to remove from the reserve the previous investigation, which was initiated due to the homicide of Messrs. Prisciliano Martínez Pérez y María Elena Gutiérrez, so that its integration may be continued and at the proper time, a resolution be reached according to Law. Also, that the pending arrest warrant against the person probably responsible for the crime of homicide committed against Mr. Gaspar Hernández Matías. It is also requested, that he issue his instructions to the Justice Attorney General and to the Secretary of Public Safety of that federative entity, so that they may carry out on its terms the precautionary measures requested by this Mexican National Commission for Human Rights tending to guarantee the personal integrity of the plaintiffs and that, periodically both public officials render accounts to this institution of the way in which said measures are being carried out.

Recommendation 33/2004
May 24 th , 2004

Case: Appeal presented by Mr. Odilón Mercado Morales.
Authority addressed: Constitutional Governor of the State of Veracruz

On February 16 th , 2004, this Mexican National Commission for Human Rights initiated file 2004/54-1-1, related to the appeal presented by Mr. Odilón Mercado Morales in which he stated his unconformity with the non acceptance of Recommendation 78/2003, by the Justice Attorney General of the State of Veracruz that was issued on October 6 th , 2003, by the State Commission for Human Rights of the State of Veracruz within file Q-1492/2002, situation which in his concept is violatory to his Human Rights.

From the documents that integrate the appeal, as well as from the information provided by the Justice Attorney General's Office of the State of Veracruz, it is deduced that the State Commission for Human Rights of Veracruz solicited from the Justice Attorney General of

that federative entity that the ministerial policeman Jesús Guerrero Pérez be sanctioned according to Law, for having improperly carried his weapon as a work tool, on May 11 th , 2002, since on this day he was not on duty.

Due to the expressed above, this Mexican National Commission for Human Rights, requested the Governor from the State of Veracruz in his position as hierarchic superior, and not as responsible authority, that he authorize the Internal Comptroller in the Justice Attorney General's Office of the State of Veracruz, so that an administrative procedure be initiated and determined against the ministerial agent Jesús Guerrero Pérez, for the conducts signaled out in the chapter of observations of the present document, and the necessary measures be taken conducive to preventing the personnel of the Ministerial Police in that federative entity from carrying their weapons on off-duty hours, in order to avoid placing at risk the safety of the society members.

DOMESTIC AFFAIRS

The CNDH underwrote collaboration agreements with
9 Mexican Non Governmental Organizations

Last May 12 th , the CNDH underwrote collaboration agreements related to the attention and protection to vulnerable groups, with the following ONG's: "Society of Support to Victims, A.C."; "Pro Human Rights Council, A.C."; "Integral Foundation for the Human Development of Linkage and Citizen Agency, A.C."; "Democracy, Human Rights and Security, A.C."; "Association of Prevention and Attention to AIDS/HIV New Era Aspane, A.C."; "Citizen Watch, A.C."; " Recreation Institute, A.C." and "Association of Citizens Defense, A.C.".

The object of these agreements consists in encouraging the critical spirit achieved in the relations between the CNDH and the ONG, indispensable so as to always work on the basis of reciprocal recognition of the respective fields and mandates.

Training Courses

As part of the actions to promote a Human Rights culture, during the month of May, the CNDH held 79 activities, amongst them courses, workshops and conferences addressed to the personnel assigned to the basic and higher education systems, groups in vulnerable situations, public servants and social organizations.

INTERNATIONAL AFFAIRS

Meeting between the President of the CNDH and the office of
the Prosecutor of Human Rights of Guatemala .

Last May 5 th , in the city of Guatemala , Guatemala , Dr. José Luis Soberanes Fernández President of the Mexican National Commission for Human Rights, met with his equivalent Dr. Sergio Morales Alvarado, Prosecutor of Human Rights of Guatemala.

During this meeting, both agreed to present petitions to their respective governments so that the migratory phenomenon be understood and taken care "with less barriers and more social benefit and economic growth programs", after verifying the accelerated increase in the gravity and the number of violations to the human rights against migrants in the border between México and Guatemala.

During this meeting in which the worrisome situation of migrants from Guatemala and from the rest of Central America frequently detained in the migratory Station of Tapachula, Chiapas was discussed, the President of the CNDH reiterated that the Mexican migratory policy is that of acting in an exemplary fashion and "carry out in the south that which is demanded in the north", for which he proposed that both defense organs of Human Rights call to attention their respective governments in order to stop the tendency of "criminalizing" migration as if it were a crime and not as a world phenomenon of social and economic character and which requires attention with investments, jobs and the creation of better living conditions in the places in which it originates.

Lastly, and for the purpose of reaffirming the bonds of cooperation between both institutions, the Ombudsman of México in Guatemala signed a collaboration agreement.

PUBLICATIONS

Report of the National Meeting between the CNDH, the Local Commissions and the ONG, México, CNDH, may, 2004 (Book)

Looks, smiles and other realities of México. The Human Rights of Boys and Girls of the Convention about the Rights of Children. México, CNDH, may, 2004. (Book)

Normativity of the CNDH. Constitutional Decree, Law, Internal Rule, Rule of Access and Transparency to Information y Civil Service Statute. México, CNDH, MAY, 2004 (Book)

Political Constitution of the Mexican United States , México CNDH may, 2004, (Book)

Woman and Childhood since the vision of the Human Rights. A specialized bibliography, México, CNDH, may, 2004. (Book)

Migrants Human Rights Guide, México, CNDH, may, 20004. (tryptic)

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>