

# NEWS LETTER

Number 150

August 2005

## CONTENTS

- CNDH'S EVALUATION OF THE WORKING PLANS OF THE FEDERAL, STATE AND MUNICIPAL GOVERNMENTS RELATED TO HOMICIDES AND DISAPPEARANCES OF WOMEN IN CIUDAD JUÁREZ, CHIH.
- NATIONAL ISSUES
  - CNDH meeting with the Ministry of Health.
  - Lic. Jorge R. Morales Díaz takes office as CNDH's Fourth General Visitor.
  - Collaboration Agreement between CNDH and Mexican Social Security Institute (IMSS).
  - Forum of analysis of Human Rights in the Penitentiary System and its Impact on Public Safety, Tijuana, B.C.
  - Collaboration Agreement between CNDH and the Polytechnic Institute (IPN)
  - Training Courses
- INTERNATIONAL ISSUES
  - International Workshop "Indigenous Women and Home Violence: from private silence to public agendas".
- PUBLICATIONS

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### CNDH'S EVALUATION OF THE WORKING PLANS OF THE FEDERAL, STATE AND MUNICIPAL GOVERNMENTS RELATED TO HOMICIDES AND DISAPPEARANCES OF WOMEN IN CIUDAD JUÁREZ, CHIH.

In order to comply with the agreement issued by the Political Coordination Committee of the Chamber of Deputies on April 20th, 2005, José Luis Soberanes Fernández, National Ombudsman appeared on August 23rd 2005 before members of the Chamber of Deputies, in order to inform about the evaluation performed by CNDH to the working programs of the federal government, state government of Chihuahua and the municipal government of Ciudad Juárez, related to the clarification of the homicides and disappearances of women, and to the prevention of gender violence in said municipality.

The evaluation made by CNDH about women homicides in Ciudad Juárez was presented in writing, in a document of 156 pages to the members of the Special Commission, for them to become aware of and to provide follow up to the investigations of feminicides in the Mexican Republic and for the administration of justice, led by Deputy Marcela Lagarde.

Since the Special Report by CNDH dated November 25th, 2003, in which was requested the creation of a Special Prosecutor's Office for the investigation and clarification of feminicides, as well as coordination instances between the federal, state and municipal governments, the CNDH has claimed that without a solid inter-governmental coordination, there would be no solution to feminicides. So far, investigations have not allowed more than 120 cases of 263, registered and documented, by this national organism to be solved. Feminicide has not been eradicated from Ciudad Juárez, and it continues to grow. As from January 2004, 36 more women have been killed.

As regards the fulfillment of the proposals made by CNDH in its Special Report, the comprehensive evaluation document presented establishes the following observations, among others: 1. From the reported results, no steps have been taken in order to develop training programs for crime prevention or surveillance strategies in the areas of incidence of women homicides and disappearances.

2. Reports published by the federal government do not include participation of state and municipal governments and there is no public information, which allows people to observe the fulfillment of the "forty actions" designed by the federal authorities in 2003, therefore, it is not possible to identify the qualitative progress achieved in each of these. 3. So far, society has not been informed of the actions adopted in order to go ahead in the compliance of the measures and recommendations issued by international organisms. CNDH notes that actions performed in that matter have only been focused on the attendance to work groups within the Interamerican Commission of

Human Rights, and on the presentation of reports to international organisms, which do not show the fulfillment of the measures given and recommendations made to the Mexican State. 4. The federal government, through the Special Prosecutor's Office, has partially complied, but the results of the analysis of 110 out of 315 files reported to the Special Prosecutor's Office of the State's Attorney's Office, are still pending. Besides, the federal authority still needs to communicate the progress made in the search of the 36 women reported missing, as well as the results of the systematization of information about homicides of women and related crimes, and the data gathered by several instances, such as the National Center of Planning, Analysis and Information for the Fight against Crime (CENAPI), the Forensic Genetics Database and the National Registry of Crime Victims, among others. The General Attorney's Office of the Republic also needs to communicate the results of 9 preliminary investigations. The implementation of the National Registry of Missing People is also pending. 5. As regards the government of the state of Chihuahua, CNDH appreciated the actions leading to the clarification of women homicides and disappearances in Ciudad Juárez, with a new structure and methodology. Concerning administrative responsibilities, the state attorney's office also started a process of clarification of responsibilities of public servers and the state controller is investigating 42 of them. The investigation of other 24 public servers has also started.

During his statement, Soberanes Fernández, questioned legislators in the following terms: What can we believe when we come to know that on July 19th, 2003, 1,200 members of the Preventive Federal Police were involved in the execution of the Integral Plan for Public Safety for Juárez municipality and now there are only 78 members? Where are the others? Why did they leave? Does anyone remember the 60 patrol cars, which surrounded the building where on July 22nd, 2003 the "40 points Plan" was trumpeted? Where are they? Why wasn't it possible to keep and even increase the federal presence of the members of SSP commissioned in Ciudad Juárez as a part of the Integral Program for Public Safety?

## NATIONAL ISSUES

CNDH meeting with the Ministry of Health.

The National Commission of Human Rights and the Ministry of Health will join efforts, in order to secure the right to the protection of everybody's health, and to guarantee that medical attention reaches the whole of the Mexican population, respectful of their fundamental rights.

During the work meeting led by José Luis Soberanes Fernández, National Ombudsman and Julio Frenk Mora, Ministry of Health, which included the participation of members of the CNDH's Consulting Board and its five general visitors, the above mentioned minister maintained stated that health represents an investment in the development of opportunities, and that as the country evolves, its health systems must evolve in like manner.

Frenk Mora maintained that economic development, social welfare, political stability and national safety depend upon the good health of the population, because "general progress cannot be achieved without a health system that responds to the Mexican people's expectations".

The Minister of Health acknowledged the problems related to medical services, the lack of medicines, but he also expressed that the Popular Insurance might solve some of them.

In exchanging standpoints with the members of CNDH Consulting Board, they made several enquiries, especially about second and third level attention in hospitals, and about the way to guarantee a high quality and efficient service for all the people attending a medical institution, as the law provides it.

In his capacity as Minister of Health, the officer expressed his commitment in fighting towards the achievement of a high quality service, and he remarked that a universal health system aims at answering to this challenge and thus to contribute to the evolution of the country.

The National Ombudsman in his turn said that apart from being a primary human right, good health is one of the objectives of development and an essential condition, in order to reach true equality of opportunities. Together with education, health is the central component of human capital. Improving health and securing education, he asserted, means strengthening the individual and social capacity to get and expand people's means of life.

In this meeting the following participants were present: Paulette Dieterlen Struck, Héctor Fix Zamudio, Sergio García Ramírez, Juliana González Valenzuela, Patricia Kurczyn Villalobos, Loretta Ortiz Ahlf, Ricardo Pozas Horcasitas and Graciela Rodríguez Ortega, members of the Consulting Board; Raúl Plascencia Villanueva, Susana Thalia Pedroza de la Llave, José Antonio Bernal Guerrero, Jorge Ramón Morales Díaz and Mauricio Farah Gebara, general visitors; Salvador Campos Icardo, Executive Secretary, and Jesús Naime Libián, Technical Secretary of the Consulting Board and Andrés Calero Aguilar, General Director of Complaints and Orientation.

Jorge R. Morales Díaz takes office as CNDH's Fourth General Visitor.

José Luis Soberanes Fernández, National Ombudsman, appointed, on 1st August, Licensee Jorge Ramón Morales Díaz Fourth General Visitor of the National Commission of Human Rights.

Among other responsibilities, this office is in charge of the defense and promotion of fundamental rights of the indigenous people and of the attention of complaints filed by people belonging to that vulnerable group.

Soberanes Fernández believes that with this appointment – Morales Díaz, former Ombudsman of Puebla – attention will be drawn to the almost eleven million indigenous people living in our country, who find themselves in specially vulnerable situations, which have a negative incidence in the exercise of their rights and guarantees granted in the Mexican legal order.

CNDH bases its actions and decisions related to indigenous peoples upon legal documents resulting from article 2 of the Constitution, which acknowledges the pluricultural composition of the Mexican Nation, originally arising from its indigenous peoples, as well as from all legislation, which includes the rights of this sector of the population. Likewise, actions leading to the enforcement of the International Labor Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) are being promoted. Due to the fact that this is a document of international law subscribed by the Mexican government and ratified by the Senate of the Mexican Republic, it is considered a part of our legal order.

CNDH's Fourth General Visitor was President of the Human Rights Commission of the State of Puebla, and among his professional activities, the fact that he was an agent of the Prosecutor Office, Secretary of Analysis and Public Account of the Sixth Collegiate Circuit Court, Head of the legal area in the VIII Delegation of Infonavit, seventh judge of Social Defense and deputy attorney of Previous Enquiries and Process Control of the General Justice Attorney's Office of the State of Puebla.

Morales Díaz is a lawyer, notary public and actuary graduated from Universidad Autónoma de Puebla and he has a post-graduate degree in Criminal Science, obtained in said University, where he has also been a lecturer in the School of Law and Social Studies and as a general coordinator in that campus.

Collaboration Agreement between CNDH and Mexican Social Security Institute (IMSS).

By signing the collaboration agreement between CNDH and IMSS, training, research and teaching of the fundamental rights shall be promoted among public servers in IMSS, who shall also work jointly towards the defense of human rights, and shall participate in the broadcasting of social campaigns, of information and advise on that subject.

The Mexican Social Security Institute shall elaborate programs aiming at the prevention and correction of facts and acts, which have led to the recommendations and friendly settlements accepted by IMSS, as a result of the complaints filed before this national organism on the part of the right-holders.

The agreement signed by José Luis Soberanes Fernández, National Ombudsman, and by the general director of IMSS, Santiago Levy Algazy, states that CNDH shall elaborate training and broadcasting programs in the field of human rights, in order to allow IMSS staff to know the scope of said programs and the importance of including them within the framework of their functions. CNDH shall also design a plan and train IMSS staff, so that they become aware of the procedures to be observed in order to attend to and solve complaints for violations to human rights.

During the ceremony held in CNDH's Council Room, Soberanes Fernández highlighted that the right of access to health must be shown in efficient, modern, equitable and non-discriminatory health services, which must be present all through the country, including the most marginal regions. "The health of our population is undoubtedly a fundamental topic in the National Human Rights Commission. For that reason, the last reports submitted with the Powers of the Union show the violation of the rights of access to health and to the attention thereof.

After knowing the results of the training provided to public servers of IMSS, these must be reflected in a better medical service, and a Social Security system which respects human rights and promotes them at the same time. Soberanes Fernández pointed out that with higher quality services, the number of complaints against the Institute for violations to human rights will decrease. "By signing this agreement, IMSS shows their good will to perform their work and to respect human dignity".

Santiago Levy, in his turn, expressed that IMSS' mission does not only consist of assisting health and social security of millions of Mexicans, but also of respecting human rights of the right-holders. "On behalf of the Technical Council of the Institute, representing workers and employers, we want to confirm our commitment with human rights, and to work jointly, respectfully and gently with you; we consider this agreement as a new start in the relationship between the Commission and the Institute, through new cooperation mechanisms, like the ones stated in the document".

IMSS General Director subsequently remarked the importance of training, which shall be conducted in the whole country, in order to make people aware of the topic of human rights and to have them appreciate its value. He specified that all previous Recommendations made to IMSS by CNDH are fully taken in to account, and he finally expressed that they are willing to work with the Commission.

In this meeting, the following participants were present: on behalf of IMSS, Onofre Muñoz Hernández, Medical Services Director; Evelyne Rodríguez Ortega; Economic and Social Services Director, Juan Manuel Amador Leal, general coordinator of Attention and Orientation to the Right-Holders and Marco Antonio De Stephano Sahagún, coordinator of Attention to Right-Holders; and on behalf of CNDH, general visitors Raúl Plascencia Villanueva, Susana Thalia Pedroza de la Llave, José Antonio Bernal Guerrero, Jorge Ramón Morales Díaz and Mauricio Farah Gebara, as well as Jesús Naime Libián, Technical Secretary of the Consulting Board; Salvador Campos Icardo, Executive Secretary and Pablo Escudero Morales, Secretary of Administration.

Forum of analysis of Human Rights in the Penitentiary System and its Impact on Public Safety, Tijuana, B.C.

On August 27th, 2005 in Tijuana, Baja California, the "Forum of Analysis of Human Rights in the Penitentiary System and its Impact on Public Safety" took place. It was organized by CNDH and the Human Rights State Commission of Baja California.

In the penitentiary forum, CNDH's President expressed that crimes against health, illegal trafficking of migrants and theft, have become a permanent threat for individual and collective integrity. He remarked that "these cause constant fear in citizens, who are afraid of becoming victims, and due to the lack of results, they do not trust in the work done by the authorities in charge of public safety".

After having stated that beating insecurity is one of the main needs in our country, he emphasized the fact that, in the fight against crime efforts have not resulted in a more peaceful daily life for the people, and that social trust in institutions in charge of public safety has not improved either. "The few positive results in the fight against crime – he added – have raised the voice of social sectors that, aiming at the decrease of crime levels, have proposed measures in despair, such as limiting individual guarantees, with the wrong idea that this would allow the authorities to be more effective in the fight against crime".

Before law specialists and professionals, academics and scholars, state and municipal authorities, and representatives of the legislative and judicial powers of the State, as well as Ismael Chacón Güereña, Attorney for Human Rights and Citizen Protection, Soberanes Fernández pointed out that efficiency in public safety will not be achieved – as some people and groups want to believe – with coercitive actions and desperate measures, which infringe on human rights, but by working responsibly and in collaboration with authorities at all levels.

He underlined that in order to confront this feeling of insecurity, a greater participation is required. Nevertheless, he remarked that CNDH are worried about prisons, which have become violent and insecure places – "and in many cases, they are actual schools of crime" -, and they are often ignored by the federal and state governments.

"The Ombudsman has made permanent requests to the authorities, in order to encourage them to pay more attention to the reclusion centers of our country. Besides, we have repeatedly and publicly declared that there are acts which are an attempt on the safety and integrity of penitentiary population, and which result in the progressive deterioration of the system, all of which affects public safety of the Mexican people, such as the tolerated use of cellular phones and even satellite communications among prisoners", he pointed out.

Soberanes Fernández also acknowledged that there are authorities that are aware of these problems, which have followed CNDH's observations. He said that during the supervision visits made by this national organism to four reclusion centers for adults in Baja California, some irregularities such as overpopulation, lack of legal and regulatory classification were detected, but there are some improvements in the organization, functioning and structure of the facilities.

He said that forums of analysis, such as this one, have the purpose of discussing and generating agreements, which contribute to solve the problems detected in one of the pillars of public safety: the penitentiary system.

The National Commission of Human Rights and the National Polytechnic Institute sign a Collaboration Agreement

On July 5th, the National Commission of Human Rights and the National Polytechnic Institute signed a Collaboration Agreement, according to which some topics related to the fundamental rights shall be included in the academic system.

## INTERNATIONAL ISSUES

International Workshop "Indigenous Women and Home Violence: from private silence to public agendas"

Members of the Net of National Institutions for the Promotion and Protection of Human Rights in the Americas met in the city of San Cristóbal de las Casas, Chiapas, Mexico, from 22 to 26 August 2005, for the International Workshop called "Indigenous Women and Home Violence: from private silence to public agendas", organized by the above mentioned Net of National Institutions, by the Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean, with the support of the Mexican National Commission of Human Rights, and Human Rights Commission of the State of Chiapas.

This workshop was carried out within the framework of the directions given in the Mérida Declaration, adopted on 5 March, 2004, which establishes the collaboration of National Institutions as regards indigenous women, in order to analyze the problems related to the protection of human rights of these victims of home violence. With the purpose of performing these tasks, and of informing the results thereof to the International Coordination Committee of National Institutions, during their annual meeting in April 2006.

The workshop was opened by the Secretary of Social Development of the government of the State of Chiapas, Lic. María de los Ángeles Cruz Hernández; by the Director of the Special Fund Secretariat, Dr. Alejandro Carrillo; by the Executive Secretary of the National Commission, Lic. Salvador Campos Icardo; and by the Executive Secretary of the Commission of the State of Chiapas, Mario Ruiz Coutiño.

The following participants were also present: Lic. Sergio Lobato García, Mayor of San Cristóbal de las Casas; Patricia Sánchez, representative of the Secretariat of Indigenous Peoples of the same federation, as well as indigenous women representing social organizations of the communities of Teopisca, Amatenango del Valle, Chalchihuitán and San Juan Chamula; 10 National Institutions belonging to the Net, represented by experts or officials from Argentina, Bolivia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, and Venezuela, and the human rights' institutions from El Salvador and Haiti.

#### Training Courses

During the month of August 2005, the National Commission of Human Rights, in accordance with the philosophy promoted by the institution, which aims at spreading the research, teaching and publishing of human rights, performed 82 training activities for students in basic and intermediate levels, for groups in precarious situations, such as elderly people, women, young people, and for public servers in the armed forces, public safety, administration of justice, staff in public health institutions, and non-governmental organisms, among others.

#### PUBLICATIONS

Inter.-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities. (Braille), Mexico, August, 2005.

United Nations Standard Minimum Rules for the Administration of Juvenil Justice (The Beijing Rules), Mexico, August, 2005.

#### OFFICERS

President  
José Luis Soberanes

First General Visitor  
Raúl Plascencia Villanueva

Second General Visitor  
Susana Thalía Pedroza de la Llave

Third General Visitor  
José Antonio Bernal Guerrero

Fourth General Visitor  
Joaquín Blanes Casas (Encargado)

Fifth General Visitor  
Mauricio Farah Gebara

Executive Secretary  
Salvador Campos Icardo

Technical Secretary of the Consulting Board  
Jesús Naime Libián

Executive Secretariat  
Periférico Sur núm. 4118, Torre I, 2º piso, Jardines del Pedregal, Delegación Álvaro Obregón, México, D. F., 01900  
Phone No.: (52 55) 51 35 05 94  
Fax: (52 55) 51 35 05 95  
Responsible for the issue:  
Laura Sanabria  
Sub-director of Interinstitutional Relations  
E-mail: [lesanabria@cndh.org.mx](mailto:lesanabria@cndh.org.mx)  
[Http://www.cndh.org.mx](http://www.cndh.org.mx)