

NEWS LETTER

Number 95

January 2001

CONTENTS

- MESSAGE BY THE PRESIDENT OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS DR. JOSÉ LUIS SOBERANES FERNÁNDEZ, ON SUBMITTING HIS FIRST ANNUAL REPORT OF CNDH ACTIVITIES TO THE MEXICAN CONGRESS.
- RECOMMENDATIONS
- Recommendation number 1/2001
- DOMESTIC RELATIONS
- -Doctor Susana Thalia Pedroza de la Llave is designated Technical Secretary of CNDH
- -Board Training Courses
- RADIO AND TELEVISION
- PUBLICATION

MESSAGE BY THE PRESIDENT OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS FOR, DR. JOSÉ LUIS SOBERANES FERNÁNDEZ, ON SUBMITTING HIS FIRST ANNUAL REPORT OF CNDH ACTIVITIES TO THE MEXICAN CONGRESS

"On November 16, 1999, before the Senate I took the constitutional oath as President of the Mexican National Commission for Human Rights (CNDH), a nomination with which the Senate had honored me a few days before. For me this appointment meant not only an act of trust, but also a great challenge, which led me to reflect the course the National Commission should follow, after ten years of life and after the constitutional reform which grants budgetary and management autonomy.

A little over a year ago, when I took on the position, México was going through the last phase of a long process towards democratic transition. The country had decided to take quantum leaps on the political-electoral road.

Paradoxically -despite the work carried out by the CNDH over a decade-, Mexican society suffered and still suffers the consequences of numerous and old deficiencies in the field of law enforcement and frequent violations of Human Rights. Democratic transition and the alternation of power do not in themselves mean the immediate disappearance of these wrongs.

In an early balance, on taking on my function, it was obvious that Human

Rights had been a useful instrument for civil society to face manipulation Law. They had also served as a weapon in the struggle for democracy and, undoubtedly, as a sure means of scrutinizing power, a necessary condition for a State which aspires to be democratic.

A year ago, it was imperative to begin taking firm steps towards strengthening the National Non Jurisdictional System of Protection Fundamental Guarantees and building up a true culture of Human Rights. Therefore, we designed a strategy to link our work with that being done at a national level by public organisms of protection and defense of Human Rights. Today, this work, which is based on concrete actions and permanent exchange of information, is beginning to bear fruit.

For, can one conceive a true democracy without respect for Human Rights? Likewise, could we artificially claim Human Rights are the solution to all social problems and backwardness? Such a false claim as this does not favor democracy, the Rule of Law, society and the very prestige of Human Rights.

In an evaluation we carried out, among the obstacles to overcome we detected lack of credibility in a number of institutions representing the Rule of Law, especially the procuration and administration of justice, where corruption and impunity had become common practice.

One phenomenon we detected was the exponential increase of vulnerable groups and prone to suffer violations of their Human Rights, as are the cases of Mexican migrants who cross the American border in search of better work opportunities, and the different indigenous ethnic groups of México, who still lack the benefits of material progress: the deplorable state of Mexican confinement centers, the little respect to inmates' fundamental rights, and the generalized and galloping corruption in all prisons of Mexico. Likewise, we corroborated the danger of increasing religious intolerance, as well as signs of ill-will and violence in certain regions of the country.

We identified two other phenomena: at the national level, lack of homogeneity among the public organisms for the protection and defense of Human Rights and, at the international level, the pressure on México in the subject of Human Rights, as a result of globalization.

Furthermore, several events enabled us to augur that, shortly, a qualitative leap could take place in the defense and protection of Human Rights in México. This has been confirmed, for instance, by the thesis of the Mexican Supreme Court of Justice, on October 28, 2000, which disposed that international treaties, signed and ratified by México, such as those related to Human Rights, are placed hierarchically above the federal and local laws and, hence, in second place after the Federal Constitution. This means that, in the immediate future, our judicial powers will have to establish and motivate their resolutions on these treaties. Moreover, there are important decisions by the Court itself which may contribute to greater respect for Human Rights. I am referring to the fact that confessions will finally cease to be the king of all evidence, as the international instruments on matters of torture will hold a privileged place in our regulations.

Facing this perspective, we sought to intensify our activity and the Ombudsman figure whose power rests only on its moral strength. We understood that the culture of respect for Human Rights in México was still incipient, as are incipient our Rule of Law and culture of respect for the law. We were conscious that with our efforts we could contribute our share.

Therefore, identifying the strengths and weaknesses of the National Commission demanded, during the year 2000, to begin and culminate a thorough administrative revision and reorganization, which I will refer to later. I advance only that our efforts were directed towards enforcing the institution's autonomy and drawing up its internal regulations in accordance with the legal frame for constitutional organizations work such as the CNDH.

Legislators:

Today we know that the presence of the Mexican National Commission for Human Rights is not questioned nor public powers or the society which have openly recognized its pertinence as an autonomous organism of the Mexican State for the promotion and defense of Human Rights.

What is debatable, nonetheless, are the National Commission's orientation and new instruments to attend the demands and reality which raises such a complex and contradictory society as ours.

Being does not mean merely existing. To be, we must make the autonomy granted the CNDH by the Permanent Constituent, through a constitutional reform, become a live, useful concept to watch the excesses of power, to attend to and resolve in the practice of citizens' complaints for violations to Human Rights. If this happens, the significance of autonomy increases and is the basis for the National Commission's definitive consolidation. However, if this autonomy is restricted to paper, to formality, to continue being a mere declarative authority, its significance will have no meaning or validity.

The CNDH's autonomy can be seen, undoubtedly, as a fruit of the new correlation of forces constituted, step by step, among the Powers of the Nation, with the work of the political parties and under the increasing scrutiny of very different sectors of society.

For us one of the immediate meanings of the autonomy was to assume that the Mexican National Commission for Human Rights and the Ombudsman are an independent voice, which has no commitments to any group or political party and that, therefore, it must be inclusive and generous, sensible and brave, --and at the same time- according to ethics and the law.

One of my first decisions at the front of this autonomous constitutional organ was to secure a closer and necessarily more committed relationship with the legislators.

In the year 2000 I said, and I say it again now: you are --as members of the Honorable Congress in this stage of the CNDH's autonomous life-- those who can best put into effect the CNDH's dimension as a defender and promoter of the observance of Human Rights and that of the very Ombudsman as "defender of the people".

Therefore, as Ombudsman I ask before Congress: Without seeking to change their nature, should political and social mechanisms which force the authorities to respond for their actions when these violate Human Rights exist or not? Should the CNDH be the true counter-power to guard for the respect of fundamental guarantees and citizens' rights or not?

Legislators:

One of the commitments I took on when I was appointed by the Honorable Senate of the Republic was to attend to the victims of crime, a subject matter which the former administrations were unable to take care of. Consequently, one of my initial acts was to create a Program for the specific attention of crime victims. Likewise, there was the need to train the Commission's staff and begin a process which made their work more transparent and efficient, to transmit greater confidence towards society.

This year, the main concern has been to make the procedures faster to efficiently attend to complaints for alleged violations to Human Rights. This led us to increase the solving of conflicts by means of amicable arrangement or even to resolve them during the procedure. This policy led to, among other consequences, reducing the number of recommendations, which made this recourse the last option to solve conflicts, without this meaning any harm for the Commission to continue issuing all the recommendations provided as necessary by law. At the same time, the General Visitors undertook the job of diminishing the backlog found in the procedure of files. At present, it is possible to attend current cases more carefully, seeking their immediate solution and without generating false expectations.

On conforming the team which was to face these challenges, I looked for a group of collaborators characterized by their solid legal formation, non-party attitude, and ample professional experience. This has enabled me, if not to resolve all the problems, to achieve certain success and design strategies for more efficient work than that which has distinguished previous administrations.

To sum up, during the year I have headed the Mexican National Commission for Human Rights we have fully assumed the constitutional mandate which sets forth that the national Ombudsman is a public organism of the Mexican State, with an autonomous nature, whose mission is to protect the Human Rights established by Mexican law, through their defense and promotion. Consequently, the report I present has precisely those two duties as substantive headings. The complete version of this report discloses the details of the actions, data and figures which are only mentioned here."

Dr. José Luis Soberanes Fernández
January 30, 2001

The complete version of this report appears published in the Internet page of the CNDH: <http://www.cndh.org.mx>

RECOMMENDATIONS

Recommendation 1/2001
January 29, 2001

Case: Mrs. Concepción Sisa Ezeta Rhoads.
Authority Addressed: General Director of the Banco Nacional de Crédito Rural, S. N. C.

DOMESTIC RELATIONS

Doctor Susana Thalía Pedroza de la Llave is designated Technical Secretary of CNDH Board

Doctor José Luis Soberanes Fernández, President of the Mexican National Commission for Human Rights, appointed doctor Susana Thalía Pedroza de la Llave as Technical Secretary of the CNDH Board, on January 9, 2001.

Doctor Pedroza de la Llave graduated from the National Autonomous University of México and obtained a doctorate in Law from the Complutense University of Madrid. She was the Library Academic Coordinator in the Institute for Juridical Research and professor of comparative law and Human Rights in the Faculty of Law of the National Autonomous University of México.

She has published several books and articles in specialized magazines and newspapers in México. She received the annual prize from the Institute of Public Administration (INAP, in its Spanish acronym) in 1994.

Training Courses

The National Commission for Human Rights, following the spirit promoted by the institution of the Ombudsman to disseminate the study, teaching and diffusion of Human Rights, during the month of January, carried out six activities related to Human Rights.

Personnel belonging to the training area of the Mexican National Commission for Human Rights gave two workshop-courses and one conference. Moreover, in the Nezahualcoyotl Technological University, a meeting took place for officers from the areas of Liaison, Social Communication and Academic Support, to promote the signing of a collaboration agreement, the purpose of which is to develop several training activities in Human Rights. Likewise, in the facilities of the Baptist Church "Solo Cristo Salva", in the Coyoacán Delegation in the Federal District, and in the facilities of the Justice and Peace Commission of the Mexico Archdiocese, in the Cuauhtémoc Delegation in the Federal District, two meetings were held to present this year's work plan.

The subjects of the training activities were: Domestic Violence, Human Rights and Individual Guarantees, and Introduction to the Study of Human Rights.

RADIO AND TELEVISION

During the month of January, 2001, the General Director's Office for Social Communication belonging to the Mexican National Commission transmitted on Radio Universidad's broadcast Argumentos, five one-hour programs on the following topics: "Domestic

Violence", "Migrants", "Mexican Penitentiary and Confinement Centers", "Human Rights in Political Transition Periods", and "CNDH 2000, one year of work".

PUBLICATIONS

. Gaceta, the National Commission for Human Rights' official monthly publication, No. 124, corresponding to the month of November, 2000.

. Coronado Franco, Fernando and Carlos Ríos Espinoza. El sistema mexicano de justicia penal para menores y la doctrina de las Naciones Unidas para la protección integral del niño y la niña [The Mexican System of Penal Justice for Minors and the UN Doctrine for the Protection of Children], México, CNDH, January 2001.

. Report of Activities, 1999, México, CNDH, January 2001.

. Report of Activities, 1999 (Annexes), México, CNDH, January 2001.

. Derechos y obligaciones de los extranjeros en México [Foreigners' Rights and Duties in México], México, CNDH, January 2001. Leaflet.

. Tolerancia: un compromiso social [Tolerance: a social commitment], México, CNDH, January 2001. Leaflet.

. Personas de edad: principales derechos [The Elderly: Main Rights], México, CNDH, January 2001. Leaflet.

. Educación para la paz [Education for Peace], México, CNDH, January 2001. Brochure.

. La educación en Derechos Humanos y su papel en la reorientación de las políticas educativas [Education in Human Rights and its Role in the Reorientation of Educational Policies], México, CNDH, January 2001. Brochure.

. Elementos del debate actual de la educación para la tolerancia y la interculturalidad [Elements of the Current Debate on Education for Tolerance and Cultural Interchange], México, CNDH, January 2001. Brochure.

. Derechos Humanos y la educación no sexista [Human Rights and Non-Sexist Education], México, CNDH, January 2001. Brochure.

. Economía abierta, globalización y Derechos Humanos. Un estudio empírico [The Open Economy, Globalization and Human Rights. An Empirical Study], México, CNDH, January 2001. Brochure.

. Economía abierta, globalización y Derechos Humanos [The Open Economy, Globalization and Human Rights], México, CNDH, January 2001. Brochure.

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
Leoncio Lara Saenz

Executive Secretary
Francisco Olguín Uribe

Technical Secretary of the Council
Susana Thalía Pedroza de la Llave

Editor: Laura Sanabria

El cuidado de la edición estuvo a cargo de la Dirección de Publicaciones de la CNDH.

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

E-mail: correo@fmdh.cndh.org.mx

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