

NEWS LETTER

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THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS ISSUED A RECOMMENDATION ON VIOLATIONS TO THE RIGHT OF EQUAL AND DIGNIFIED TREATMENT

As a response to the complaint presented by the family of two minors who were coerced at school to honor the national flag and renounce to their right of religious conscientious objection, the National Commission for Human Rights issued Recommendation 1/2002 addressed to the government of the State of Zacatecas, reminding it that directors, school supervisors, teachers and administrative staff of school must abstain from carrying out actions that can be damaging the Human Rights of students and they must respect fully their right to freedom of belief and its practice.

Even if it be true that Article 14 of the Law of the Coat-of-Arms, the Flag, and the National Anthem, establishes the obligation by all those present at civic acts to salute the National Flag when the corresponding honors are being rendered, a superior law, such as the Political Constitution of the United States of México, guarantees in Article 24 the freedom every person has to practice the religious ceremonies or acts of worship of their respective religion, and Article 3 consecrates the right of all individuals to receive an education. For this reason, and for cases such as this one, it has been established that the Constitutional text must be observed.

The reason for Recommendation 1/2002 was the case in which two minors were verbally ridiculed and made fun of in the past school year, in front of their classmates and teachers by the then Director of the Secondary School "Constituyentes de 1917", of Jeréz, Zacatecas, who then denied them the right to re-registration for the current school year, unless the father of both minors signed a letter of commitment accepting that during civic ceremonies his sons - who belong to the "Jehova's Witnesses" religion - would salute the flag and sing the National Anthem.

After analyzing and investigating the complaint, this National Commission came to consider that what had happened in that Secondary School in Jeréz, Zacatecas, implied an unequal and differentiated treatment and, hence, unlawful by the Director, the School Supervisor, and the Directors of the other Secondary Schools of Region 8 "A", who refused to accept the two minors in the schools under their responsibility.

In Recommendation 1/2002, the CNDH asks the Ministry of Comptrollership of the State of Zacatecas to give course to an investigation pertaining the conducts incurred upon by the Director of the Secondary School, the Supervisor of Secondary Schools of Region 8 "A" in the Municipality of Jeréz de García Salinas, with the Undersecretary "A" of Education and Culture of the Government of Zacatecas.

It also asks that State office: a) to initiate and determine, according to law, an administrative investigatory procedure due to the unlawful rendering of public service in the field of education; b) to investigate the refusal to register those wronged, in the present school year, as well as the unequal and differentiated treatment against one of the two directly wronged persons; and c) to investigate the irregularities committed by public servants from the Ministry of Education and Culture of that State.

RECOMENDACIONES

Recommendation 2/2002

January 23, 2002

Case: Case of the Minors Josué Leví and Marcos Eliú, both with the last names Sánchez Olvera.

Authority Addressed: Constitutional Governor of the State of Zacatecas.

Recommendation 2/2002

January 30, 2002

Case: Case of Mrs. María Guadalupe Eugenia García Sánchez.

Authority Addressed: General Director of the Mexican Social Security Institute.

On May 10, 2001, the Mexican National Commission for Human Rights received a complaint sent by the Jalisco State Commission for Human Rights made by Mrs. Irma Rosa García Sánchez in which she denounced events presumably in violation of the right to the protection of the health and life of her sister María Guadalupe Eugenia García Sánchez and her son, committed by public servants at the Mexican Social Security Institute, consisting in an inadequate rendering of public health service.

From the analysis of the facts and evidence, consisting in documents and information given by the Mexican Social Security Institute, as well as the medical opinion stated by the Coordination of Expert Services of this National Organism, the Mexican National Commission issued Recommendation 2/2002, addressed to the General Director of the Mexican Social Security Institute, and in which it contemplates the possible administrative responsibility incurred by the doctors, all of them assigned to the General Hospital of Zone Number 45 in Guadalajara, Jalisco; that the indemnity which proceeds according to law in favor of whoever proves to have the most right to receive it, be ordered and carried out as a result of having caused the death of Mrs. María Guadalupe Eugenia García Sánchez, and that the cause of death of the product be investigated, so that the administrative responsibility incurred upon by the public servants in charge be ascertained that instructions be given to whoever is responsible so that the proceedings of the institutional complaint be initiated and a visit by the Internal Comptrollership of that Institute be initiated against Doctor Antonio Rosales, for the conduct incurred upon, described in point C of the Chapter on Observations of said Recommendation.

Recommendation 3/2002

January 31, 2002

Case: Reafutation Measure brought by Mr. Jesús Angulo Martínez and Jesús Álvarez Aguilar.

Authority Addressed: Constitutional Governor of the State of Baja California Sur.

On July 20, 2001, the Mexican National Commission for Human Rights received the refutation measure brought by Mr. Jesús Angulo Martínez y Jesús Álvarez Aguilar for the unsatisfactory fulfillment of the Recommendations issued on April 5 and May 3rd, 2000, respectively, and which were addressed to the Attorney General of the State of Baja California Sur, regarding the files of complaints placed in the Commission for Human Rights of the State of Baja California Sur.

The logical-juridical analysis of the affidavits that are part of the disagreement file, led this National Commission to determine that the acts in violation of Human Rights committed against the appellants, by public servants at the Attorney General's Office of the State of Baja California Sur, had been proven.

The reason for this Recommendation was that on February 16, 2000, Mr. Jesús Angulo Martínez y Jesús Álvarez Aguilar, together with their friend José Luis Urbina Lugo, were victims of an assault when working as custodians of "Servicio Panamericano de Protección, S. A. de C. V", as a result of which the last mentioned person was killed, and Mr. Jesús Angulo Martínez was transported to a hospital to receive medical attention, in as much as, during the assault he was injured; later on Mr. Jesús Álvarez Aguilar remained in the custody of the agents of the Judicial Police of that State who arrived at the scene of the crime and then took him to the Agency of the Public Ministry, and was later transferred, without an authorization by the social representative, to the offices of the police corporation, place where he was interrogated with the intention of obtaining information about the assault with violence subject of the investigation, and having had to remain there for some 26 hours, time in which the plaintiff stated he was subjected to ill treatment, blows, threats and torture, and was never given food.

Likewise, on February 17, 2000, Mr. Jesús Angulo Martínez was arrested as he walked out of the Health Clinic of the Social Security Institute by two elements of the Judicial Police of the State of Baja California Sur, and without showing proof of having an order for his arrest issued by a judicial nor ministerial authority giving them the power to do so, he was taken to the offices of the State Judicial Police.

Due to the above, on January 31, 2002, this National Commission issued Recommendation 3/2002, addressed to the Constitutional Governor of the State of Baja California Sur, by virtue of which he was given the recommendation of giving instructions to the State's General Attorney so that in full exercise of its legal powers, it proceed to fulfill completely the Recommendations issued by the State of Baja California's Commission for Human Rights, informing by writing both the State Commission and this National Commission the due evidence and proof of its fulfillment, and also, that it initiate the corresponding investigation initial inquiry against the public servants

involved in the initial inquiry and that the conducive orders be given so that this National Commission be informed about the actions carried out by said authority, from the beginning of its intervention up until the conclusion of said intervention.

Likewise asked to take the necessary measures to insure that petitions from the State Commission and this National Commission be given due attention in time manner and, that it then proceed to send to these instances the corresponding evidence and proof of its application and fulfillment.

Finally, that it instruct the Head of the Unit of Administrative Development and Government Control to proceed with the investigation about the delay or inactivity incurred by the Internal Comptroller at the State General Attorney's Office, with regards to the integration and resolution of the administrative procedure initiated against public servants of said Attorney General's Office and in regards to the intervention that legally corresponds to the social representative for the double commission of a probable criminal conduct.

DOMESTIC RELATIONS

Award ceremony to the winners of the Fifth National Essay Contest on Human Rights

The Mexican National Commission for Human Rights, jointly with the Mexican Youth Institute, organized the "Fifth National Essay Contest on Human Rights".

After having received more than 500 essays from all over the country, on December 6th, 2001, the award ceremony was held in San Cristobal de las Casas, Chiapas.

As part of the contest "The Rights of Youth in the Field of Human Rights in México" the winners were: Christian Vidal León, Miguel Ángel Esquivel Maldonado, Edgar Rodríguez Sánchez, Claudia Elizabeth Martínez López, Lucía Montiel Romero, Christian Ibeth Huerta Dávila and Mariana Denisse Gamboa Díaz, were recipients of an honorable mention for their work.

During this ceremony the National Ombudsman, Dr. José Luis Soberanes Fernández, called upon the young winners of this contest to give impulse and promotion to the fundamental guarantees of individuals, with the purpose of attaining in México, in a brief period of time, the existence of a culture of respect to said rights and the defeat of practices such as intolerance, violence and discrimination of vulnerable groups. In the same manner, the Head of the CNDH pointed out that the winning essays will become part of a book which will serve to give publicity to the disquiet of youths in the field of promotion and defense of human rights.

The main issues undertaken in the essays were "Youth Infractos and Human Rights", "Youths in Internment and Social Re-adaptation Centers", "Judicial Instruments for the Protection of Human Rights", "The Right to an Education as a Fundamental Right of Young Women and Young Men", "Torture in México, a pending theme in the field of Human Rights", "Human Rights of Vulnerable Groups", "Education Policies for the Strengthening and Respect of Young Women and Young Men", "Youth and Child Sexual Exploitation in México" and "Family Violence: The Human Rights of Young Women and Young Men in this Context".

On behalf of the Mexican Youth Institute, its General Director, Mr. Christian Castaño, handed the President of the CNDH, the conclusions and relatory of the five regional reunions on Human Rights and Youth, that took place during 2001, in the states of Quintana Roo, Sonora, Nuevo León, Nayarit and State de México, so that the results of said reunions be incorporated to the work of the National Committee on Human Rights and Youth headed by Dr. José Luis Soberanes Fernández.

Training Courses

The Mexican National Commission for Human Rights in accordance with the spirit promoted by this institution for the promotion of the studies, teaching and publishing of Human Rights, organized during the month of January, 2002, 56 activities related to this theme.

During this period several meetings took place with members of several Human Rights organizations. Among them: members of the Red Juvenil México (Mexico's Youth Network); the Asociación Nacional Pro Defensa de los Derechos Humanos "Juan Escutia A. C." ("Juan Escutia" National Association for the Defense of Human Rights); the Comisión Internacional de Derechos Humanos, A. C. (International Commission for Human Rights); Red Contra la Violencia hacia las Mujeres y Hombres Jóvenes (Network Against Violence to Young Women and Men), as well as with members of the organization Mujeres Exitosas del 2000 (Successful Women of 2000).

Meetings also took place with representatives of the National Center for the Prevention of AIDS (Centro Nacional de Prevención del SIDA); the Red Conecuitlani, A. C.; with members of the Border Network for Human Rights (Red Fronteriza por los Derechos); of the Cristobal Colón University; the Latin American Institute for Educational Communication (Instituto Latinoamericano de la Comunicación Educativa); the Direction of Legislative Studies of the Ministry of the Interior and with the Military Justice's Attorney General's Office.

There were also meetings with officers of the National Center for Human Rights (Centro Nacional de Derechos Humanos); members of the Civil Association of Development of the Individual (Asociación Civil Desarrollo Integral del Individuo); of the World Council of

Indigenous Peoples; the NGO State Council; the Social Workers Society of the Mexican Caribbean (Sociedad de Trabajadores Sociales del Caribe Mexicano, A. C.); the Politechnic Graduate Association (Asociación de Egresados Politécnicos, A. C.); the International Maya Cancun Institute; the Executive Council for Human Rights (Consejo Ejecutivo de Derechos Humanos, A. C.) and with members of the National Network of Congress Women of Quintana Roo, among others.

PUBLICATIONS

Gaceta, Official monthly publication of the National Commission for Human Rights, No. 137, corresponding to the month of December, 2001.

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