

# NEWS LETTER

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### SEMINAR ON INDICATORS AND DIAGNOSIS ON THE SUBJECT OF HUMAN RIGHTS: THE CASE OF TORTURE IN MÉXICO

The International Seminar on Indicators and Diagnosis on the Subject of Human Rights: The Case of Torture in Mexico took place on April 3-5, in the city of Mérida, Yucatán.

In addition to carrying out an international engagement, specifically with the Federal Office of Statistics of Switzerland, as a follow-up of the Process of Montreaux, that took place in September, 2000, and where began the international process of measuring with statistical criteria both Development and Human Rights, this Seminar had, as its main objective, the gathering-up of information to back-up the development of the Mexican National Commission project consisting of the establishment of a methodology which incorporates statistical analysis, to serve as a tool for the evaluation of the fulfillment of Human Rights in México.

Among the conclusions at the meeting it is worth mentioning: the refinement of the focus and work methods for the national diagnosis in the field of Human Rights, based on quantitative methods, qualitative contents, generation of indicators and analysis; the generation of policies based on national experiences in the field of Human Rights and through international exchanges and, the integration of a participatory process with multi-disciplinary and multi-institutional dialogue.

Present at said event were international experts, international organizations, embassies, academic institutions, State Commissions for Human Rights, national and international NGO's, government institutions and members of Congress.

### RECOMENDACIONES

Recommendation 7/2002

April 18, 2002

Case: Mr. Gerardo Medina de Luna

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

Mr. Luis Fernando Jiménez Patiño, General Attorney for Citizen Protection of the State of Aguascalientes sent the complaint file of Mr. Gerardo Medina de Luna, against acts committed by public servants of the Mexican Social Security Institute harming his wife, Mrs. María Esther Pérez de Lira, and which consisted in medical negligence and forced contraception.

In accordance with the facts exposed, this National Organism advised that in respect to the issue of medical negligence in the area of attention in the hospital, the National Commission of Medical Arbitration (CONAMED) was fully competent to hear about the case; nevertheless, the complainant was informed that this National Organism will continue to be informed about the issue of the forced contraception attributed to the doctors of IMSS's General Zone Hospital No. 1. From the analysis of the facts, proof was found acts of the violation of the reproductive rights of Mrs. María Esther Pérez de Lira, attributable to the public servants of the General Zone Hospital No. 1. It was also found that there is an institutional responsibility on behalf of the IMSS, as it did not guarantee the Right to Protection of the Health of both insured persons and their beneficiaries.

As a result, this National Commission issued Recommendation 7/2002 addressed to the General Director of IMSS, asking him to allow the Internal Comptroller of the Secretary of the Comptroller and Administrative Development, to visit the Mexican Social Security Institute, so that actions be taken to determine the administrative responsibility that might have been incurred upon. And it also asked that instructions be given to the personnel of said Institute, so that the necessary measures are taken so that, in the future, the normative of informed consent is always carried out.

Recommendation 8/2002

April 19, 2002

Case: Inhabitants of the indigenous Cucapa Community.

Authority Addressed: Secretary of the Environment and Natural Resources, and the Secretary of Agriculture, Livestock, Rural Development, Fishing and Food.

This National Commission received the complaint written of Mónica González Portillo, in which she manifested that the indigenous Cucapa Community is settle on the margins and Delta of the Colorado River, in the State of Baja California; that its cultural roots are intimately tied to fishing activities, which are their only means of income; and, that having being forbidden the full exercise of their activities, due to the closed season prohibition imposed for conservation motives, their Human Rights are being violated.

On the other hand, this National Organism received a written complaint from Teacher Claudio Torres Nachon, General Director of the Center for Environmental Law and Economic Integration of the South, who wrote pointing out the indigenous Cucapa group maintains itself basically by hunting and fishing carried out in the lagoons of the Delta of the Colorado River and that today the population and industries that have settled in the border zone of Mexicali and Tijuana, demand much water, which is taken directly from the lagoons of the Delta of the Colorado River and Sea of Cortés, which has caused the level of the waters to go down in said places, and the fauna and flora has also diminished in the region, causing the Cucapa to be deprived of access to water in optimal conditions in order to violated to carry out their traditional and subsistence activities.

From the analysis of the documentation handed out, the CNDH established that the Human Rights of the Cucapa Indians had been trampled and thus issued Recommendation 8/2002 to the Secretary of the Environment and Natural Resources and to the Secretary of Agriculture, Livestock, Rural Development, Fishing and Food. The first one is given the recommendation of bringing up to date the Program for the Administration of the Reserve of the Biosphere of the High Gulf of California and the Delta of the Colorado River, with the purpose of modifying the rules and policies contained in said Program so that the economic and cultural needs of the indigenous Cucapa Community be attended to, and hence, their right to carry out fishing activities in the reserve; with the participation of the Cucapa and in coordination of the competent authorities, programs of social development should be designed for this indigenous group and that the General Direction of Environmental Complaints and Social Participation of the Federal Attorney General for the Protection of the Environment determine the procedure, according to the terms established in the applicable Norm. And to the second authority, it asked that the fishing permits be issued to the Cucapa Community living in the present Nucleus Zone, according to the ideas established within this Recommendation.

Recommendation 9/2002

April 22, 2002

Case: Mrs. SYT and SD.

Authority Addressed: Governor of the State of Yucatán.

In various notes published in the national newspapers "La Jornada", "Reforma", "Milenio", "El Universal", "The News" and "Uno más Uno", it was stated the Mrs. SYT and SD had died because they had either been denied or had received inadequate public health service by personnel working for the General Hospital of O'Horan, that functions under the Ministry of Health and the General Direction of Health Service of the State of Yucatán. From the analysis of the documents and the investigation carried out by this National Commission, there was evidence of a discriminatory treatment, and a violation of their Human Rights towards Mrs. SYT and SD by medical and nursing personnel of the O'Horan General Hospital, consisting in their discrimination due to their condition of being HIV positive or ill, and the inadequate medical services received, all which harmed their Right to the Protection of Health. For this reason, the National Commission issued Recommendation 9/2002, addressed to the Governor of the State of Yucatán, asking that instructions be given to the General State Comptroller's Office so that an administrative investigation is carried out against the then Director of the O'Horan General Hospital and in respect to the deficient medical attention given to Mrs. SD and SYT. On the other hand, it also recommended that the Integral Specialized System of the O'Horan General Hospital receive the training and human resources needed to increase the number of treatments presently given to people suffering from HIV.

Recommendation 10/2002

April 23, 2002

Case: Non Governmental Organization "Centro de Derechos Humanos, Indignación, Promoción y Defensa de los Derechos Humanos" (Center for Human Rights, Indignation, Promotion and Defense of Human Rights) in the City of Mérida, Yucatán.

Authority Addressed: Governor of the State of Yucatán.

The National Commission for Human Rights received written of complaint signed by the "Centro de Derechos Humanos, Indignación, Promoción y Defensa de los Derechos Humanos" (Center for Human Rights, Indignation, Promotion and Defense of Human Rights) of Mérida, Yucatán, accusing the existence of a violation of the Human Rights of minors who are interns of the "Escuela de Educación Social para Menores Infractores" (School of Social Education for Minor Transgressors") of that State, consisting primarily of insults, blows, bad treatment and prolonged confinement.

Investigatory visits to said school at the Tutelar Council for Minor Transgressors and at the State of Yucatan's Attorney General's Office were carried out by personnel of this National Commission, in which proof was obtained of the existence of several actions and omissions that constitute in themselves violations to the Human Rights of intern minors, specially those rights pertaining to the respect of their physical integrity, to receive a dignified treatment, freedom, legality, juridical safety, due process of law and the protection of their health.

Based on the above this National Commission issued Recommendation 10/2002, addressed to the Governor of the State of Yucatán, so that all violations to the Human Rights of boys and girls in said school cease; so that it receive the corresponding organ of internal control, as well as the State Attorney General, so to determine the administrative and/or penal responsibility in which present and past public servants of the School of Social Education for Minor Transgressors might have incurred upon, and that the necessary actions be taken by the State Attorney General's Office and the "Sistema para el Desarrollo Integral de la Familia" (System for the Integral Development of the Family), so that they have adequate places to house victims of crimes, of intra-family violence and those without shelter.

Recommendation 11/2002

April 30, 2002

Case: Refutation Measure brought by presented by Mrs. Leonardo Ortiz Camacho and Grisel Zamudio Cataño.

Authority Addressed: Governor of the State of Morelos.

Refutation Measure brought by Mrs. Leonardo Ortiz Camacho and Grisel Zamudio Cataño, who were in disagreement with the actions of the General Director of Basic Education of the State of Morelos, who at the time they interposed the above refutation measure, had not yet resolved the acceptance or non acceptance of the Recommendation issued by the State Human Rights Commission, recommending that as soon as possible the minors Leonardo y Miguel Ortiz Zamudio be reinstated in the Technical Secondary School No. 19 of Casasano, in Cuauilla, Morelos, so that they continue their secondary education, to which they are entitled to.

From the analysis of the documentation it was deemed that the resolution issued by the State Commission is in accordance to law, as there was evidence that both minors had been suspended without due reason as to their prejudice acts of discrimination and their rights to equality, freedom of belief and education were committed. Based of the above, this National Commission issued Recommendation 11/2002 addressed to the Governor of the State of Morelos, so that he grant a visit to the Secretary of the Comptroller of the State, to initiate and determine the administrative investigatory procedure against the director and sub director of the Secondary Technical School No. 19 of Casasano, in Cuauilla, Morelos, for responsibility they might have incurred upon when they suspended the minors without due reason; to instruct the Secretary of Education of the State of Morelos to give orders to the educational authorities of said State, to school supervisors, directors, teachers and administrative staff, to respect the Human Rights of students.

## DOMESTIC RELATIONS

Cycle of Conferences and Round Tables: Human Rights and Globalization

The first conference of the moth took place on April 11th having as theme: "Intolerance, poverty and democracy" with the participation of Dr. Isidro H. Cisneros, Professor-Researcher of the Latin American Faculty of Social Sciences (FLACSO). The round table devoted to "Sustainable Development" took place on April 18, and the participants were: Lic. Roberto Acero Rueda, General Director of Environmental Policy and Regional and Sectorial Integration of the Ministry of the Environment and Natural Resources (SEMARNAT), Professor Javier Riojas, Coordinator of Counselors at the Ministry of the Environment of the Government of the Federal District, and Dr. Fernando Tudela, Director of the Program for the Environment, Water and Society of the El Colegio de México. Finally, the second round table took place on April 25th, with the theme: "Migration and Human Rights", having as speakers Professor Luis González Souza of the Faculty of Political Science of Mexico's National Autonomous University (UNAM) and Dr. Paz Trigueros Legarreta, from the Department of Sociology of the Azcapotzalco Campus of the Autonomous Metropolitan University.

Remember: the date is every Thursday at the Dr. Eduardo García Maynez Auditorium at the Faculty of Law of Mexico's National Autonomous University, Circuito Escolar, University City, Mexico, D. F.

## Training Courses

The Mexican National Commission for Human Rights, in accordance with the spirit promoted by this institution for the promotion of the studying, teaching and publishing of Human Rights, organized during the month March, 2002, 89 activities, among them, 27 workshop-

courses, 3 courses, 14 conferences, 2 workshops and 2 round tables. Among the most important themes touched upon in these activities: "General Aspects of Human Rights", "Human Rights and the Rights of Children", "The training of Human Rights Promoters", "The CNDH and Human Rights", "Human Rights and the Rights of Children", "Migration and Human Rights" "Teaching and Research in the Field of Human Rights", "The Rights of Elderly Adults" "The Rights of Golden Age Adults", "The Rights of Persons of the Third Age", "The Rights of Women" "The Jurisdictional and Non Jurisdictional System of the Protection of Human Rights", "Criteria of Police Action on the Use of Force, Fire Arms and the Protection of Human Rights", "The Function of Private Security as Auxiliary in Public Safety", "Security and Custody and the Respect of Human Rights in Prison", "Family Violence", "Human Rights and Patients with HIV/AIDS", "Family Mediation", "Conceptual Framework of Human Rights", "Human Rights and Health" and, "Legal Aspects of Family Violence".

## INTERNATIONAL RELATIONS

Participation of the National Commission within the framework of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

Among the activities carried out by the ICC during this year, stands out the celebration on April 10 to 13, of the Sixth International Conference of National Institutions for the Promotion and Protection of Human Rights that took place in Copenhagen, Denmark and Lund, Sweden. The general theme of this Conference was devoted to the role of the National Institutions in the struggle against racial discrimination, as a follow-up of the agreements reached in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, that took place in September, 2001, in Durban, South Africa. On said occasion, the President of the National Commission, Dr. José Luis Soberanes Fernández, as Vice-president of the ICC, presented the paper: "Legal Promotion of the Struggle Against Racial Discrimination".

The CNDH also participated in the meeting of the ICC that took place during the 58 Session Period of the United Nations Human Rights Commission, in Geneva, Switzerland, on April 17 and 18, 2002. During the meeting, officers of the CNDH participated in all work sessions and as Secretary Pro Tempore of the Network of National Institutions for the Promotion and Protection in the American Continent, the CNDH presented the Report of the Network's First Assembly that met in Kingston, Jamaica on March 7 and 8, 2002.

Finally, on April 18, the National Commission participated in Theme 18 b of the Agenda, devoted to the work of National Institutions, where in view of the fact that the National Institutions had less effective time to address the Plenary of the Assembly of the United Nations Human Rights Commission, the CNDH was elected as representative of the nations of the American Continent, to present a regional report which will include the principal activities carried out by the National Institutions.

## PUBLICATIONS

Gaceta, The National Commission official monthly publication number 138 139, corresponding to the months of January and February.

Los Derechos del Hombre. (The Human Rights of Men). CNDH, April, 2002. Book.

Relatoría de las Reuniones de Comisiones y Procuradurías de Derechos Humanos del país. Los Grandes Problemas Nacionales y sus posibles soluciones en materia de Derechos Humanos. La visión de los Ombudsman locales. (Report of the Meetings of the Commissions and Offices of Attorney Generals for Human Rights of Mexico. The Great National Problems and Possible Solutions in the field of Human Rights. The Point of View of Local Ombudsman).CNDH, April, 2002, Book.

Programa de Defensa y Protección de los Derechos Humanos de las niñas y los niños. Guiones para el espacio de los derechos de la niñez de primero a tercero de primaria. (Program for the Defense and Protection of the Human Rights of Girls and Boys. Scripts for the Space of the Rights of Children from First to Third Grade). CNDH, April, 2002. Booklet.

Programa Defensa y Protección de los Derechos Humanos de las niñas y los niños. Guiones para el espacio de los derechos de la niñez de cuarto a sexto de primaria. (Program for the Defense and Protection of the Human Rights of Girls and Boys. Scripts for the Space of the Rights of Children from Fourth to Sixth Grade) CNDH, April, 2002. Booklet.

Programa de Defensa y protección de los Derechos Humanos de las niñas y los niños. (Program for the Defense and Protection of the Human Rights of Girls and Boys) Application Manual. CNDH, April, 2002. Booklet.

Las niñas y los niños tenemos derechos. Texto recomendado para escolares de primero a tercero de primaria. (We, Girls and Boys have Right Recommended Text for Children in Elementary School, from First to Third Grades). CNDH, April, 2002. Diptych.

Las niñas y los niños tenemos derechos. Texto recomendado para escolares de cuarto a sexto de primaria (We, Girls and Boys Have Rights. Recommended Text for Children in Elementary School from Fourth to Sixth Grades). CNDH, April, 2002. Diptych.

Relatoría del Primer Encuentro Regional ente la CNDH, las Comisiones Locales y las ONG (Report of the First Regional Encounter between the CNDH, the Local Commissions and the ONGs). CNDH, Abril, 2002. Triptich.

Relatoría del Segundo Encuentro Regional entre la CNDH, las Comisiones Locales y las ONG (Report on the Second Regional Meeting between the CNDH, the Local Commissions and the ONGs). CNDH, April, 2002. Triptych.

Recomendación General No. 3 (General Recommendation No.). CNDH, April, 2002. Booklet.

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