

NEWS LETTER

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SECOND NATIONAL JOURNEY ON VICTIMS OF CRIME AND HUMAN RIGHTS

Dr. José Luis Soberanes Fernández, President of Mexico's National Commission for Human Rights (CNDH), has taken measures to insure that all public institutions involved in giving attention to victims of crime, promote a real conscience about the vulnerability in which these people find themselves due to the lack of sensibility of those who take care of victims of crime, or family violence, and as a result of which, these persons find themselves being twice victimized.

Within this context, the CNDH carried out with the Program for Attention of Victims of Crime (PROVICTIMA), the Second National Journey on Victims of Crime and Human Rights, from the 28th to the 30th of August, 2000, at the Inter American Center for Social Security Studies (CIESS). The main purpose of this reunion was to promote the support and the development of projects, in every State of the country, for victims of crime.

Present at the inauguration were, among others, Dr. José Luis Soberanes Fernández, President of this National Commission; General Rafael Macedo de la Concha, Federal Attorney General; Mrs. Ana Teresa Aranda Orozco, General Director of the National DIF; Dr. Fernando Serrano Magallón, Director of the School of Law of the National Autonomous University of México (UNAM); Dr. Gerardo Laveaga Rendón, Director of the National Institute of Penal Science (INACIPE); Dr. Ruperto Patiño Manffer, Head of the Graduate Division of UNAM's School of Law; Dr. Eduardo Andrade Sánchez, Federal Congressman of the LVIII Legislature and Rodolfo Lara Ponte, Fourth General Visitor of the CNDH.

Among the subjects discussed, were: Public Safety, Violence and Victims of Crime; Mexico's Experience on Attention to Victims of Violence; Victims of Genocide in Central Africa; Vulnerable Groups and Family Violence; Human Rights and Victims of Crime in Criminal Procedures; Traumatic Stress and Psychological Attention for Victims of Crime and Models of Attention for Victims of Crime.

RECOMMENDATIONS

Recommendation 27/2002

August 12, 2002

Case: Students of Secondary School number 247, morning shift, of the Ministry of Public Education (SEP), in Mexico D.F.

Authority addressed: Minister of Public Education

On the 22 of January 2002, this National Commission received the written complaint of two parents denouncing presumed violations of human rights against their under age children, by SEP public servants. The plaintiffs pointed out that on October of last year, their minor children approached their teacher to ask him questions pertaining to schoolwork, and that this teacher responded with obscene caresses, situation, which the minors immediately made known to their parents and to the school authorities.

Following instructions of the Legal Department of the Secondary Schools Unit, the School Director drew up an administrative document against said professor for inappropriate conduct committed against the students. Nevertheless, the plaintiff's stated that during the investigatory proceedings, an officer of the General Inspector's Office of said school, met with the mother's of the concerned students,

and that they asked that the teacher in question no longer be allowed to work in said school, and that this person answered them that the best thing they could do was to change their children to another school, since it had been the students who had created the problem and not the teacher. Due to these circumstances, the concerned parts decided to present their complaint to this National Organism.

From the analysis of the facts, the CNDH found elements that proved the violation of the rights of said minors, consisting in the transgression of their right to the protection of their integrity: Due to this, on August 12, 2002, the CNDH issued the Recommendation 27/2002, addressed to the Minister of Public Education, so that, without interfering with labor trail against said teacher, an administrative procedure about his responsibility be initiated, and that the public servants be punished in accordance to the behavior conducted against the under age plaintiffs.

Recommendation 28/2002

August 15, 2002

Case: As a result of the appeal presented by Rosalía and Petra Fuentes Tirado

Authority addressed: The Constitutional Governor of the State of Morelos; the City Hall Council of the Municipality of Tlanepantla, Morelos and the Municipal President of Tlanepantla, Morelos

On October 30, 2001, this National Commission received a document signed by the head of the Visitorship of the Easter Region of the State of Morelos' Human Rights Commission, which contained the appeal presented by Rosalía and Petra Fuentes Tirado due to the non acceptance of the Recommendation issued by the above mentioned State Commission against the members of the City Council and the public servants of the office of the municipal President of the Tlanepantla, Morelos, who lacking a legal authorization and without a previous judicial procedure took possession of the properties belonging to the plaintiffs. From the analysis of the facts, the CNDH was able to prove that the arguments presented in the State Commissions' Recommendation were founded, in as much as the plaintiffs proved their legal possession of the properties in question by members of the City Hall Council of Tlanepantla, Morelos.

From the analysis of the facts, this National Commission issued Recommendation 28/2002, addressed to the Governor of the State of Morelos, the City Hall Council of the Municipality of Tlanepantla, Morelos and to the Municipal President of Tlanepantla, Morelos, so that Rosalia and Petra Fuentes Tirado be given back what was theirs and that punishment be given to those public servants who through their actions had broken the State of Law.

Recommendation 29/2002

August 21, 2002

Case: As a result of the appeal presented by Mr. Pedro Cruz Flores

Authority addressed: The Constitutional Governor of the State of Hidalgo

On February 26, 2001, this National Commission received the appeal presented by Mr. Pedro Cruz Flores in which he stated his non agreement concerning the non compliance of Recommendation 4/2000, issued by the State of Hidalgo's Human Rights Commission addressed to the State's Attorney General's Office, asking it to give the Ministerial Police a peremptory term in order to carry out the arrest warrant dictated in Criminal Cause 256/97, by the First Criminal Court of the District of Tula de Allende, Hidalgo. Mr. Cruz pointed out that said Recommendation had not been carried out, not withstanding the fact that the Attorney General's Office informed the local Commission its acceptance of said Recommendation; the plaintiff then expressed his grievance due to the continued refusal of justice for him and his aunts, as a result of which their rights had still not been given back to them, nor they had the received payment for damages suffered, as a result of the dispossession they were subjected to, nor for all the expenses they had incurred upon. From the analysis of the facts, the National Commission issued Recommendation 29/2002, addressed to the Constitutional Governor of the State of Hidalgo asking him to order that Recommendation 4/2000, issued by the State of Hidalgo's Human Rights Commission, be carried out and that all that was established in said Recommendation be closed.

Recommendation 30/2002

August 24, 2002

Case: As a result of the appeal presented by Mrs. Jemima Alavez Robles

Authority addressed: The President of the State of Oaxaca's Human Rights Commission

The National Commission received the 22nd of May, 2002 the appeal presented by Mrs. Jemima Alavez Robles, against the decision of non responsibility, number 17/2002, dated April 6 of the same year, that the Human Rights Commission of the State of Oaxaca issued against the then agent of the Attorney's Office, working for the Mixed Tribunal of First Instance of San Pedro Pochutla, Oaxaca, the Head of Human Resources of the State Attorney General's Office, the Head of the Department of Salaries and Services and the Head of the Department of Personnel Registration, all public officers of the Ministry of Administration of the State of Oaxaca government.

From the analysis of the facts, this National Commission determined that the grievances stated by the plaintiff, were well founded and that the State of Oaxaca's Human Rights Commission had incurred in omissions by not having exhausted the search and analysis of information relative to probable violations of the human rights of the plaintiff, and for this reason the CNDH issued the Recommendation

30/2002 addressed to the President of the State of Oaxaca's Human Rights Commission, so that he declare null the decision of non responsibility number 17/2001, that the complaint file be opened once more, and that all the necessary actions be taken necessary measures for the due integration of said file, taking into consideration all the elements of proof offered by Mrs. Jemima Alavez Robles, carrying out the omitted proceedings and once all is analyzed, formulate a new determination.

Recommendation 31/2002

August 27, 2002

Case: Mr. Diego Uc Chauriga

Authority addressed: General Director of the National Institute of Anthropology and History

On September 18, 2001, some authorities of the National Indigenous Institute delivered to the National Commission for Human Rights documents which Mr. Diego Uc Chauriga, a Maya Indian from Hopelchen, Campeche, who was fulfilling a prison sentence in reason of having had removed some stones considered as part of an archeological monument in the Archeological Zone of Dzibilnocac, in a piece of land he considers to be his own property.

From the analysis of the facts it was observed that from the time Mr. Diego Uc was arrested, Dzibilnocac had not yet been declared an archeological zone, and as the legal proceedings were carried out by the National Institute of Anthropology and History (INAH), the plaintiff was not duly notified that his land found itself in a federal zone protected by law, and for this reason did not have the possibility of challenging those acts and omissions which had been carried out by said governmental agency. In view of this, the CNDH issued Recommendation 31/2002, addressed to the General Director of the INAH asking him to instruct, those concerned, to the effect that all the public information mechanism connected to the archeological zone of Dzibilnocac be carried out both in Spanish and Maya, that the Organ of Internal Control of said Institute be invited to participate so that the corresponding administrative investigation be carried out, and that the adequate operational and supervisory mechanisms be installed, so that the decrees on archeological and historical zones and movement be carried out in timely manner and according to law.

Recommendation 32/2002

August 28, 2002

Case: Derived from the appeal presented by Mrs. María del Refugio Gaytán Carreón

Authority addressed: President of the State of Colima's Human Rights Commission

On June 14, 2002, the National Commission received the appeal presented by Mrs. María del Refugio Gaytán Carreón, against the agreement issued on the 28th of May of the same year by the State of Colima's Human Rights Commission, which declared her legally incompetent to know the about the complaint due to the non carrying out of an arrest warrant issued the 25 of March, 1996, by public servants of the State of Colima's Attorney General's Office.

The appeal was rooted in this National Commission and from the evidence presented, proof was found of the origin of the grievances expressed by Mrs. María del Refugio Gaytán Carreón, as it was evident that the incompetence agreement had not duly founded and motivated, and that there was a deficient appreciation of the facts presented by the plaintiff. Based upon the above, the CNDH issued the Recommendation 32/2002, addressed to the President of the State of Colima's Human Rights Commission, so that it revoke the incompetence agreement and that it proceed to reopen it, so as to clarify the facts denounced by the plaintiff against public servants of the State of Colima's Attorney General's Office.

Recommendation 33/2002

August 28, 2002

Case: Derived from the appeal presented by Mr. Omar Guerrero Solís

Authority Addressed: Constitutional Governor of the State of Guerrero

On March 18, 2002, this National Commission received document 203/2002, signed by the President of the Commission for the Defense of Human Rights of the State of Guerrero, in which he included the Mr. Omar Guerrero Solís' appeal, due to the partial acceptance of Recommendation 28/2001, issued on October 8, 2001, addressed to the then Attorney General of said State.

The Deputy Attorney General for Juridical Affairs and Human Rights at the State of Guerrero's Attorney General's Office, informed the State Commission and this National Commission about the rooting of the initial investigation, initiated as against the abuse of authority offense and whatever else ensues, committed against Omar Guerrero Solís. The purpose of this notification was to prove the fulfillment of the Recommendation; nevertheless, the actions carried out to such an effect do not satisfy point number two of the recommendation, which establishes clearly that the facts can constitute the crime of torture.

From the analysis of the facts, this National Commission issued Recommendation 33/2002, addressed to the Constitutional Governor of the State of Guerrero, in which it recommends the Attorney General's Office of said State to instruct the Attorney General so that, in the full exercise of his legal faculties, he proceed to the total fulfillment of Recommendation 28/2001, and that he send back to the local organization and to this National Commission, documents and evidence of having carried it out fully.

DOMESTIC RELATIONS

Special Report on the Case of Agua Fría, Oaxaca

The National Commission for Human Rights, in accordance with the text of Articles 102, Section B of the Constitution; Articles 1, 3 and 6, Fraction II and 24, Fraction IV of the Law of the CNDH and 156 and 174 of its Internal Bylaws, made public the Special Report made as a result of the investigation of the events that took place on May 31 of this year, in the place known as Agua Fría, in the Southern Sierra of the State of Oaxaca, where 26 persons died.

This Special Report, addressed to public opinion, contains 84 pages and includes several points derived from the proceedings carried out by the CNDH visitors, who collected testimonies, evidence and carried out eye inspections in those communities where the people directly involved in the facts belonged to. Said Special Report can be consulted in the Mexican National Commission for Human Rights web page: www.cndh.org.mx.

This report presents five points that - as proposals, letters rogatory, suggestions and petitions in areas of the carrying out of justice, and in the subject of administration of agrarian conflicts and forestry problems - are made to municipal, state and federal authorities.

In this strict sense, the CNDH considers, that among other issues, if there is no real progress in the observance of human rights in the villages with indigenous populations, as this experience demonstrates, situations containing a high dosage of social explosiveness will develop and emerge, and such consequences are absolutely incompatible with the just and democratic Nation that all Mexicans want to consolidate.

National Journey: Analysis of the Real Situation of Women in México

The National Commission for Human Rights, through the National Center for Human Rights and the Coordination for the Program on Women's, Children's and Family Affairs, in coordination with the Lasallista Board of Medicine of the Universidad La Salle, organized on August 13 and 14, the "National Journey: Analysis of the Real Situation of Women in México", in the Delasalle Theater of the School of Medicine of said University.

The subjects analyzed were: Women and Family Relations; The Situation of Women in Prison and the Children she brings with her; Women and Health; Indigenous Women and Politics.

Annual Cycle of Conferences and Round Tables: "Human Rights and Globalization"

Two Round Tables were organized during the month of August. The First one took place on August 1, and dealt with the theme "Discrimination and Opportunities for Disabled Persons", in which the participants were: Lic. María Eugenia Antunez Farrugia, from the Office of the Mexican President's Office Delegation for the Promotion and Integration of Disabled Persons; Dr. Amalia Gamio Ríos, institutional representative of the Program on Disabilities and their Prevention, from the Mexican Social Security Institute, and the Local Congressman, from the Legislative Assembly of México D.F., Alejandro Diez Barroso, from the Commission on the Rights and Integration of Disabled Persons. The Second Table, "Principles of the United Nations in favor of Elderly Persons" took place on August 29, and the participants were: Mr. Pedro Bordea Hartmann, Director General of the National Institute for Elderly Persons; Lic. Alfonso Sandoval Arriaga, Auxiliary Representative of the United Nations Population Fund; Dr. María Cristina Gomes da Conceição, Professor-Researcher at the Mexico campus of the Facultad Latinoamericana de Ciencias Sociales, (FLACSO) and Local Congressman Dr. Ángel Salas Alfaro, from the San Luis Potosí Congress.

Remember that the meetings take place year round, every Thursday, at the "Dr. Eduardo García Maynes", Auditorium in the School of Law of the Nation Autonomous University of México (UNAM), at: Circuito Escolar, Ciudad Universitaria, México, D. F.

Training Courses

The National Commission for Human Rights, in strict compliance with the spirit promoted by the institution of the Ombudsman of for the promotion of the study, teaching and diffusion of Human Rights, held during the month of August, 2002, 64 activities, among which 14 courses-workshops, 12 courses, 6 conferences, 7 workshops and it signed an Agreement of Collaboration with the National Human Rights Public Defensor of the People of México (Defensoría Nacional de los Derechos Humanos del Pueblo de México, A. C.)

Among the subjects discussed in the various training and public activities on the culture of human rights were: "Basic Aspects on Human Rights", "Rights of Boys and Girls", "Family Violence and Human Rights", "Rights of Elderly Persons", "Code of Conduct and Basic Principles on the Use of Force and of Guns by Officers of the Law", "Course on Human Rights and the Role of the State in Public Safety", "Carrying out of Justice and Human Rights", "Introduction to Human Rights and Civil Society".

PUBLICATIONS

Gaceta, Official publication of the Mexican National Commission for Human Rights. Number 143, corresponding to the month of June 2002.

Decreto Constitucional, Ley y Reglamento Interno de la CNDH (Constitutional Decree, Law and Internal Rules of the CNDH) (new printing of the fourth edition). National Commission for Human Rights. México. August 2002. Book.

Problemas del Derecho Indígena en México (Indian Legislation Problems in México) National Commission for Human Rights, México, August 2002. Book.

Algunos derechos que todos debemos conocer (Some Rights We Should All Know). National Commission for Human Rights. México. August 2002. Leaflet.

Programa de defensa y protección de los derechos humanos de las niñas y los niños. Niños promotores. Guiones para el espacio de los derechos de la niñez, de primero a sexto de primaria y Manual de Aplicación. (Program for the Defense and Protection of the Human Rights of Girls and Boys. Child Promoters. Scripts for the Space of the Rights of Children, from First to Sixth Grade in Elementary School and Application Manual. National Commission for Human Rights. México, 2002.

Instrumentos Internacionales y Regionales Americanos de Derechos Humanos (International and Regional American Human Rights Instruments) National Commission for Human Rights, México, August, 2002. Compact Disc.

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