

NEWS LETTER

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THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS' PARTICIPATION AT THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

The Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance took place from August 31 to September 7 in the city of Durban, South Africa.

The Mexican National Commission for Human Rights (CNDH), as Vice President of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, participated in subjects related to the role that said institutions should develop in the coming years and in several of the debates that took place in the World Conference.

Representing Doctor José Luis Soberanes Fernández, President of the CNDH, Doctor Rodolfo Lara Ponte, Fourth General Visitor, attended the Conference. He participated in all the meetings regarding the performance of said institutions and took part in the working group in charge of writing the final Declaration of National Institutions for the Promotion and Protection of Human Rights. Some of the most relevant aspects of this Declaration are quoted next. The complete text can be asked for at the Executive Secretariat of the CNDH, Tel.: 51 35 06 00 ext. 3124.

"The National Institutions for the Promotion and Protection of Human Rights recognize that through history, diverse forms of racism, racial discrimination, xenophobia and related intolerance have created millions of victims. We recognize that such discrimination can be declared or hidden direct or indirect and that institutionalized or systematic racism and related intolerance continue to exist despite all our efforts to eradicate them. At the same time we must be careful and make sure that we can identify the new manifestations of racism, racial discrimination, xenophobia and related intolerance. Especially worrisome are those situations that risk becoming genocide, ethnic cleansing and/or armed conflicts and for this reason, the National Institutions have an important role in giving early warning about the dangers in this area.

We call for the elaboration of strategies, policies and programs for persons and groups of persons subject to multiple discrimination or whose experience with racism, racial discrimination, xenophobia and related intolerance, are included in or are made worst by other forms of discrimination, including gender or other form of discrimination. We will strive to integrate a gender perspective in the treatment of racism, racial discrimination, xenophobia and related forms of intolerance.

We call upon the international community, the regional organizations of the United Nations, human rights organizations, special mechanisms and other institutions to also act consistently with the international standards in relation to racism, racial discrimination, xenophobia and related intolerance.

We recognize that in order to be able to fight effectively against racism and related intolerance, the political will of the National States is indispensable and that the National States have the responsibility of adopting and implementing, rigorous criminal, civil and administrative measures, adequate for the condemnation of racist acts, the prohibition of discrimination, and to provide victims with effective recourses. We also insist in the vital importance of the National Institutions and other important institutions specialized in the fight against racism, racial discrimination, xenophobia and related intolerance."

RECOMENDACIONES

Recommendation 18/2001

September 11, 2001

Case: Refutation measure of the inhabitants of the indigenous communities of La Fatima, Ojo de Agua y Ocotlan, in the Municipality of Ayutla de Libres, State of Guerrero, in virtue of the fact that the Secretariat of Health in the State of Guerrero has not carried out Recommendation 041/99, formulated by the Commission for the Defence of Human Rights of the State of Guerrero to violations of Human Rights done to the inhabitants of said communities.

Authority addressed: Governor of the State of Guerrero.

Recommendation 19/2001

September 17, 2001

Case: Refutation Measure presented by Mrs. Lucía Leos Praga, against Recommendation 218/2000 that on the 17th of October, 2000, the Office of the Attorney for the Protection of Citizens in the State of Aguascalientes sent to the Attorney General of Justice of the State, stating that the said resolution caused her damage, since notwithstanding the fact that on the 10th of September, 2000, her minor son, who when he was alive was called José Enrique Guerrero Leos, died due to a shot (in the back) from a firearm by one of the elements of the Judicial Police of the State of Aguascalientes. Said Attorney's Office limited itself to emitting six superficial recommendations, without having gotten to the bottom of the matter. From the analysis and the evidence in the files, the National Commission gives credit to the infringements upon the right to life, integrity and personal security, in view of the actions of public servants in the Government of the State of Aguascalientes relative to the crime of homicide, undue exercise of public function, arbitrary use of firearms, as well as in the fulfillment of public function in the administration of justice.

Authority addressed: Governor of the State of Aguascalientes.

Recommendation 20/2001

September 17, 2001

Case: About the complaint presented by Mrs. Martha Alicia González Cisneros and accumulated by the violation of the fundamental rights for juridical, legal and administrative security established in Articles 14, 16 and 21 of the Political Constitution of México, against several minors, as without any warrant by a competent judicial authority, they were taken away from the custody of their parents, who for some reason are involved in a legal procedure, to be subjected to an international adoption, in which the necessary formalities were not fulfilled, as well as the non compliance with the requirements stated in the applicable legislation, and that some of them were registered unduly, without even complying with the minimum requirements established by the Law of Civil Registry in the State of Jalisco.

Authority addressed: Governor of the State of Jalisco and President of the Congress of the State of Jalisco.

Recommendation 21/2001

September 21, 2001

Case: Violations against the right to Health Protection in the case of Jessica Mariana González Castro and her son, by acts committed by public servants in the Institute of Security and Social Services of the Workers of the Government (ISSSTE), consisting of a denial or inadequate service offered and by undue exercise of public function.

Authority addressed: General Director of the the Institute of Security and Social Services of the Workers of the Government (ISSSTE) and the National Commissioner of Medical Arbitration.

Recommendation 22/2001

September 21, 2001

Case: Violation of the Human Rights of Mrs. Luz Divina Castillo López and her deceased son, consisting of the violation to the right to get health protection, their physical and moral integrity, in as much as the doctors of the Mexican Institute of Social Security (IMSS) proceeded unduly and did not offer the injured persons, adequate, opportune, professional and quality filled medical appraisal and observation, as was their duty and which was necessary for her health and the life of her product.

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

Recommendation 23/2001

September 25, 2001

Case: Refutation Measure presented by Mrs. Gloria Salazar Valdéz in view of the non compliance by the Attorney General's Office (PGJ) of the State of Coahuila of Recommendation 045/2000, issued by the Commission for Human Rights of said State, December 29, 2000, for the violation of the necessary administration of justice to minor Rafael Salazar Salazar, by the PGJ of the State of

Coahuila, by having acted irregularly in the integration of the preliminary investigation opened due to the criminal act of bodily injury to said minor.

Authority addressed: Governor of the State of Coahuila.

DOMESTIC RELATIONS

Forum on Torture in México

As part of the activities that the Mexican National Commission for Human Rights organizes jointly with authorities and the civil society, on September 18 and 19, 2001, the Commission carried out the "Forum on Torture in Mexico" in the auditorium of the Unión de Universidades de América Latina (UDUAL). The purpose of this forum was to elaborate, together with authorities and organized civil society, a diagnosis and a proposal for action towards the elimination of torture in México.

The subjects covered in this forum were: Torture and its classification in the national and international spheres; Physical torture; Element of proof for the accreditation of torture; and the Administration of justice and Torture.

International Forum "Sovereignty of Nation States and the International Criminal Court"

On July 1998 the Diplomatic Conference of United Nations Plenipotentiaries for the Establishment of an International Criminal Court convened in approving the Statute of Rome, through which said jurisdictional organism was instituted, with a permanent and independent character, linked to the United Nations System, and being competent in relation to the most serious crimes having impact on the international community, as a complementary instance of national jurisdictions.

In the year 2000 the Federal Executive Branch of México signed the Statute of Rome, thus initiating the ratification process by the Mexican Senate. Within this framework, and as part of the interinstitutional collaboration, the LVI Legislature of the State of México, the State of Mexico's Human Rights Commission and the Mexican National Commission for Human Rights, organized the international forum "Sovereignty of Nation States and the International Criminal Court."

The main purpose of this forum was to promote the recognition, debate and analysis of the International Criminal Court and its impact as a jurisdictional organism linked to the United Nations.

These subjects were discussed in the following tables: "Ratification of the Statute of Rome and the Mexican Juridical Order", "The National Constitutional Orders and the International Criminal Court", and "Ways of Collaborating with the International Criminal Court".

Annual Cycle of Conferences and Round Tables: "Democratic Transition and the Protection of Human Rights"

The Mexican National Commission for Human Rights, together with the National Autonomous University of México's Law Faculty (UNAM), organized four round tables during the month of September.

The first round table, on September 6, was devoted to the theme "Economic, Social and Cultural Rights", and the participants were: Carlos Flores Alcocer, Head of the Office of Strategic Planning and Regional Development at the Executive Office of the Presidency of México; Juan Rebolledo Gout, International Consultant and Professor at the UNAM School of Law; and Ricardo Becerra Laguna, Editor of the magazine Arcana. The second round table, on September 13, was devoted to the theme "Intellectual Property", and the participants were: Alma Araiza Hernández, Assistant General Director of Support Services in the Mexican Institute of Intellectual Property; Manuel Magaña, lawyer, from Magaña y Durán, S.C.; and Manuel Guerra, lawyer with a specialty in copyright, patents and brands.

The third round table, on September 20th, was devoted to the theme "Human Development: Extreme Poverty and Human Rights" and the participants were: Luz Rosales Esteva, General Director of Equity and Development at the Ministry of Social Development; Congressman Juan Díaz González, President of the Commission for Special Attention to Vulnerable Groups in the Legislative Assembly of the Federal District of México; and professor Felipe Reyes Miranda, from México's Caritas Archdiocese, I.A.P. Finally, on September 27, the fourth round table, devoted to the theme "The New Actors in the Transition: Political Lobbying and Human Rights", and the participants were: Efrén Elías from the Universidad Iberoamericana, and Julio Portales, Director of Government Relations at McDonalds's.

Training Courses

The National Commission for Human Rights, in accordance with the spirit promoted by the institution of the Ombudsman of spreading the study, teaching and dissemination of Human Rights, during the month of September, 2001, organized 94 activities related to this theme.

Personnel of the Training Department held six courses, 16 workshop-courses, 10 conferences and 12 workshops. In coordination with the Commission for Vulnerable Groups of Congress, it organized the "Forum of Elderly Adults" and in coordination with the General Direction of Social Development of the Delegación Coyoacán of México City, it gave orientation during the Fair of Services for Elderly Adults.

At the same time several reunions took place with different organizations. Among them with : representatives from the Commission for the Defense of Human Rights of the State of Guerrero and the Association of Lawyers of Guerrero; members of the organization Integración y Desarrollo Social, A.C.; Pumitas organization; persons representing the organization Asesoría Social e Integral, S.C.; members of the Iglesia del Dios Vivo, Columna y Apoyo de la Verdad, La Luz del Mundo Church; persons representing the Frente Nacional de Personas Afectadas por el HIV-Aids, and personnel at the Fundación para el Bienestar del Adulto Mayor (Foundation for the Welfare of the Elderly Adult) from Caritas Bienestar del Adulto Mayor.

The Commission also worked in close contact with persons representing the Consejo Indígena Permanente (Indigenous People's Permanent Congress), personnel of the Morelos State Commission for Human Rights, personnel from the Office of the United Nations High Commissioner for Human Rights, persons representing the Universidad Iberoamericana, officers of the Commission for Human Rights of the Mexican Senate, officers of the Universidad de Educación a Distancia (University for Distance Education), and also with persons representing Universidad Autónoma Metropolitana and Universidad Autónoma de Chapingo, Senators and Congressmen of National Action Party (PAN), and officers of the General Attorney's Office of the Federal District, officers of the Instituto Nacional de Administración Pública, members of the Senate as well as persons representing several NGO's and social organizations. Finally, personnel from the CNDH were part of the jury in the contest "Carta a mis padres" (Letter to my Parents), and participated in the National Rounds of the V Competencia Interamericana de Derechos Humanos (5th Inter-American Human Rights Competition) organized by Universidad Anáhuac.

The subject matter of the training courses held during this month was quite varied, among them: "General Aspects of Human Rights", "The National Commission for Human Rights and the Complaint Procedure", "The Armed Forces and Human Rights", "Human Rights, the Handling of Firearms and Criminal Exclusions", "Public Safety and Human Rights", "Human Rights and Penal System", "Human Rights of Migrants, Women and Children", "Youth and International Instruments of Human Rights", "Human Rights of Victims of Family Violence", "Faculties and Attributions of the National Commission for Human Rights", "Human Rights and its Protection in Mexico", "Human Rights of Boys and Girls", "Encounter with Boys and Girls of the Street", "Rights of the Third Age", " Human Rights and Family Values", "Women's Rights", "Human Rights of Disabled Persons", "Human Rights of Victims in the Health Sector", "Mediation as an Alternative Solution to Controversies and Family Crisis", and "Rights of Childhood and Childhood Abuse".

INTERNATIONAL RELATIONS

Colabotation Agreement between the Mexican National Commission for Human Rights and the Human Rights Legal Representative of the Russian Federation

On september 27, the President of the Mexican National Commission for Human Rights, Doctor José Luis Soberanes Fernández, signed a Collaboration Agreement with Mr. Oleg Mirónof, Human Rights Legal Representative of the Russian Federation, which defines the cooperation strategies and items between both instiutions including among others reciprocal tecnical assistance, sharing of experiences, designe institutional proyects, and promotion of colaboration in human rights subjects.

PUBLICATIONS

Gaceta: Official monthly publication of the National Commission for Human Rights, No. 132, July, 2001.

Memoria del Quinto Congreso Anual de la Federación Iberoamericana de Ombudsman.(Report of the Fifth Annual Congress of the Iberoamerican Federation of Ombudsman.) National Commission for Human Rights, Mexico, September 2001.(Book)

Memoria del Seminario Internacional sobre Tolerancia. (Report of the International Seminary on Tolerance). National Commission for Human Rights, Mexico, September 2001.(Book)

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