

NEWS LETTER

Number 109

March 2002

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First Meeting of the General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas

On March 7 and 8, barely one year after the establishment of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas, the First Meeting of the General Assembly of the Network took place in Kingston, Jamaica.

During the meeting the Statutes were approved and two new members were incorporated: Costa Rica and Colombia. In said meeting the members of the Network's Coordinating Committee were elected and the participating institutions that were chosen are: the Canadian Human Rights Commission, the Defender of the People of Colombia, the Defender of the People of Costa Rica and the National Commission for Human Rights of México (CNDH).

On the other hand, the CNDH accepted to remain as Secretary Pro Tempore for as long as it takes the Network to take a definitive decision about the way in which Permanent Secretariat will be established.

Present at the meeting were the representatives of the national institutions members of the Network, with the exception of Argentina: Bolivia, Canada, Colombia, Costa Rica, Ecuador, Honduras, México and Perú, as well as representatives of other Human Rights organizations who assisted as observers: Antigua and Barbuda, El Salvador, Jamaica, Guatemala, Panamá, Paraguay, Santa Lucía, Trinidad and Tobago, and Venezuela, from the United Nations Office of the High Commissioner for Human Rights and the Caribbean Ombudsman Association (CAROA).

At the end of the meeting, the participants issued the Kingston Consensus, which contains the following basic agreements that were reached:

Establish, maintain and promote a culture of respect for human rights in the region;

Implement the Paris Principles Relating to the Status and Functioning of National Institutions for the Promotion and Protection of Human Rights;

Promote regional government's recognition and implementation of agreements, recommendations, standards, and when appropriate court decisions, of the inter-American or international human rights system.

Strengthen, individually and collectively, the National Institutions of the Americas and support the development of emerging National Institutions from all other countries of the region;

Strengthen cooperation with non-governmental organisations devoted to promoting and protecting human rights.

National Institutions participating in the General Assembly of the Network agreed to enhance cooperation with the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights (ICC), the United Nations Office of the High Commissioner for Human Rights, the Organisation of American States and regional human rights associations such as the Caribbean Ombudsman Association (CAROA), the Ibero-American Federation of Ombudsman (FIO), the Andean Council of Public Defenders and the Central American Council of Human Rights Prosecutors.

National Institutions welcome the participation of the United Nations Office of the High Commissioner for Human Rights and call on it to support the Network on a sustainable basis.

Participants express their appreciation to the Public Defender of Jamaica, the Canadian Human Rights Commission and the Mexican Human Rights Commission for their contribution to the organisation of this meeting.

Workshop on the Rights of Indigenous Peoples

The Workshop on the Rights of Indigenous Peoples took place on March 9, immediately after the First Meeting of the Network of National Institutions of the Americas. The main objective of the meeting was to give continuity and maintain alive the spirit of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, that was held in Durban, South Africa, having taken into consideration the fact that it is the National Institutions who must promote the recognition of the fundamental rights of indigenous peoples, and the mechanisms for the participation of said people in all those subjects they be interested in, both at the national and international level. Heads of several National Institutions of the American Continent and the Caribbean as well as experts attended this Workshop.

A Declaration on Indigenous Rights was made as a result of this Workshop and the following points were agreed upon in the text:

Assure the adoption of a working policy to guarantee respect for the principal of non-discrimination, including a cross-cutting-approach to gender and cultural perspectives.

Incorporate within the Network's Workshop, as a priority, the theme of promoting and protecting the rights of Indigenous Peoples.

Convene a Working Group within the Network to promote, develop and provide follow-up to the Work Plan.

Promote the fulfillment of agreements adopted during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in September 2001, as well as those of the Regional Preparatory Conference of the Americas held in Santiago de Chile in December 2000.

Inform the Indigenous People of the region of their right to participate as observers in the sessions of the Permanent Forum of Indigenous Issues.

Promote the participation of National Institutions of the Network in the Permanent Forum on Indigenous Issues, as well in other discussion and decision making bodies both regionally and nationally.

Appreciate the support of the United Nations Office of the High Commissioner and request it to continue to support in a sustainable manner of the work of the Network and development of its Work Plan.

RECOMENDACIONES

Recommendation No. 4/2002

March 8, 2002

Case: Mr. HRJF

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

In the case of Mr. HRJF, he denounced facts that presumably violated his Right to Health, committed by employees of the Mexican Social Security Institute (IMSS), consisting of an inadequate rendering of the Public Health service.

In the written complaint, Mr. HRJE stated he is a rightfully within the IMSS system, and that he is infected with the HIV virus; that he suffered an accident as he justify work and was then taken to the General Zone Hospital No. 15 in the city of Reynosa, Tamaulipas, where, when they realized he was an HIV carrier, they refused to operate his justify arm, arguing that it was risky for the health of the doctors, and for this reason they only put a bandage and a splint. When he went to the Rehabilitation Service, the Head of the Physical Medicine and Rehabilitation Service analyzed his file and told him he had received bad medical attention.

On the basis of the above it was observed that Mr. HRJF was object of discrimination by the medical staff of the above mentioned Hospital, infringing upon his Right to equality, as well as to the Right to receive adequate medical attention as an HIV carrier. In the same manner, the IMSS incurred in institutional responsibility, as it has the obligation of giving its doctors the necessary materials and goods, as well as the training needed to best carry out their activities.

From the analysis of the above, the National Commission issued Recommendation 4/2002 addressed to the General Director of the Mexican Institute of Social Security, in which it recommends that, the corresponding administrative investigation be carried out, in order to determine the medical and administrative responsibility incurred upon, by the medical staff that attended and treated Mr. HRJE; that

the consequences suffered by the grieved person be given attention to, in order to proceed with the payment of the corresponding indemnification, and that the necessary mechanisms be installed to teach and train the medical staff, of the above mentioned Hospital, who may come into contact with persons infected with HIV.

Recommendation No. 5/2002

March 20, 2002

Case: Refutation measure brought by Mr. Eduardo Madrid Díaz.

Authority addressed: Constitutional Governor of the State of Chiapas.

Refutation measure brought by Mr. Eduardo Madrid Díaz as a result of the unfulfillment of the Recommendation addressed to the then General Director of the State of Chiapas Council for Culture and Arts.

The Civil Service Tribunal of the State of Chiapas emitted a decision favorable to the interests of the petitioner, in which it ordered the accused party, Polyforum Chiapas, Convention Center, which at the time worked under the Council for Culture and Arts of said Federal State, to pay the Constitutional indemnity, all the salary owed, as well as the corresponding proportional part of the Christmas bonus of 1995; nevertheless said authority did not carry out the decision, and for this reason the Local Organism emitted the above mentioned Recommendation

On said subject, the General Director of the State Council for Culture and Arts of the State of Chiapas informed this National Commission that the Convention Center and the Chiapas Polyforum were transferred to the Ministry of Tourism of said State, and that this branch of government thus acquired all the rights and obligations corresponding to said autonomous government organism. The Secretary of Tourism of said State informed this National Commission that the Secretary of Finance of the State of Chiapas had authorized the sum of \$382,555.31 pesos and the negotiation with Mr. Eduardo Madrid Diaz the sum he was entitled to, but that this had not been carried out.

As a result of a logical-juridical analysis, the CNDH determined that there were violations of Human Rights against the complainant had been proven, committed by public servants of the Ministry of Tourism of the State of Chiapas, and as a result of this the CNDH emitted Recommendation 5/2002 addressed to the Constitutional Governor of the State of Chiapas recommending that he give instructions to the Secretaries of Tourism and Finance of said State, to proceed and carry out the condemning decision dictated by Civil Service Tribunal of Chiapas.

Recommendation No 6/2002

March 22, 2002

Case: Refutation measure brought by Mr. Enrique Orozco Jiménez.

Authority addressed: Person in charge of the Office of the President of the State Commission for Human Rights of Michoacán.

Refutation measure brought by Mr. Enrique Orozco Jiménez, in which he stated his disagreement with the decree of non responsibility in favor of the Ministerial Police of the State of Michoacán, that had been issued by the State Commission for Human Rights.

As a result of the analysis made of the documents presented, as well as of the investigation, it was established that the grievance stated by Mr. Enrique Orozco Jiménez was well based, in virtue of the evidence that his grandson, Enrique Camacho Orozco evidenced alterations to his health as a consequence of the treatment received when he was arrested by said authority, which is proven in the medical statement that was drawn up by Dr. Antonio Reyes García, who works at the Center for Social Readaptation of Morelia, Michoacán, when Mr. Camacho Orozco made his initial statement.

This National Commission considered that in the case of Mr. Enrique Camacho Orozco, the local organism overlooked in its resolution the certification about the wounds that its own staff saw in Mr. Camacho Orozco, when it devoted itself to the study of the torture, without taking into consideration that it presumably had elements to prove other conducts that violated Human Rights, such as cruel and/or degrading treatment, or the unlawful use of public service on behalf of the agents of the Ministerial Police who arrested Mr. Camacho Orozco, in view of the fact that the alterations suffered by the health of Mr. Camacho Orozco could very well have been caused by them, who by their conduct were no longer acting according to the principles of legality and efficiency in the fulfillment of their duty.

From the analysis of the above, this National Commission considered that the refutation measure brought by the complainant Enrique Orozco Jiménez was proven, and thus emitted Recommendation 6/2002, addressed to the Person in charge of the Office of the President of the State Commission for Human Rights of Michoacán, asking it to revoke the decision of non responsibility it had addressed to the Michoacán State Attorney General, and that based upon the considerations contained in the Chapter on observations of the Recommendation document, it issue the decision according to Law.

DOMESTIC RELATIONS

Annual Cycle of Conferences and Round Tables 2002: Human Rights and Globalization

With the purpose of contributing to the consolidation of a culture of respect for Human Rights, the CNDH started the Cycle of Conferences and Round Tables for the year 2002: "Human Rights and Globalization", on March 1, with the presentation of the Table: Sovereignty, Human Rights and Globalization, with the participation of the following speakers, Dr. Leopoldo Zea, Coordinator of the University Level Program for the Diffusion of Latin American Studies at National Autonomous University of México (UNAM), and Dr. Rene Villarreal, President of the Center for Intellectual Capital and Competitiveness.

The speakers in the Second Round Table on March 7, with the theme "Struggle against Terrorism", were Dr. Farid Kahhat, Professor and Researcher at the Department of International Studies (CIDE), Dr. José Luis León, Professor and Researcher at the Department of Politics and Culture in Metropolitan Autonomous University (UAM) Xochimilco, and Professor José Velasco Márquez, Professor and Researcher at the Department of International Studies at ITAM. Finally, the Third Round Table devoted to "The Struggle against New Forms of Intolerance", was headed by: Dr. Isidro Cisneros, Profesor and Researcher at the Faculty of Latin American Studies (FLACSO), and Professor Luis Perelman Javnozón, of El Armario Abierto (The Open Closet) and the lawyer Ricardo Hernández Forcada, Underdirector at the General Direction of the CNDH Presidency.

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

Training Courses

The National Commission for Human Rights, following the spirit promoted by the institution of the Ombudsman, for the promotion of the study, teaching and diffusion of Human Rights, held during the month of March, 2002, 87 activities related to this theme. Among them we can distinguish 10 workshops, 17 workshop-courses, 5 courses, 26 conferences, one Seminar on Human Rights addressed to professors and students of the Technologica Institute of Villahermosa and, one session of the diploma course "Rights and Duties of the Policeman", addressed to elements of public safety of the State of México.

In the same spirit, several meetings were held with representatives of the "Organización Profesional para la Protección y Defensa de los Derechos Humanos" (Professional Organization for the Protection and Defense of Human Rights), members of the Commission for Human Rights of the State of México "Fray Pedro de Gante, A. C."; with the Frente Mexicano Pro Derechos Humanos del Noroeste de México, A. C. (Mexican Front for Human Rights of Northwestern México); members of the organization "Movimiento Urbano Popular, Comité de Derechos Humanos de Tabasco" (Popular Urban Movement, Tabasco Committee for Human Rights); of the National Association of Political Science and Public Administration Students, of the National Council of Organizations for Disabled Persons, of the Chontalpa University of the State of Tabasco; representatives of the "Asociación de Padres de Familia" (Parents Association); of the Civic Cultural Committee and from Amnesty International, all from the State of Tabasco; with representatives from the Supreme Justice Court of Baja California Sur, of the Security and Social Services Institute for Workers of the State (ISSSTE); members of producer and peasant communities of the Foro Permanente de Análisis de la Huasteca (Permanent Forum of Analysis of the Huasteca) and from the National Indigenous People's Institute (INI), as well as with a representative of the "El Barzon" organization.

The CNDH also organized activities with members of the Commission for Vulnerable Groups of the House of Representatives, personnel of the Red Democracia y Sexualidad, A. C. (Democracy and Sexuality Network), with the "Luciernaga Literaria" Association; with representatives from the Autonomous University of Aguascalientes and of the Organization for the Education for Peace; representatives of the "Confederación Latina de Derechos Humanos" (Latin Confederation for Human Rights) and finally with representatives of the National Youth Institute.

PUBLICATIONS

Programa de Defensa y protección de los Derechos Humanos de Niñas y Niños. (Program for the Defense and Protection of the Human Rights of Girls and Boys) National Commission for Human Rights, Mexico, March, 2002. Diptych

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