

# NEWS LETTER

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### CELEBRATION OF THE VII ANNUAL CONGRESS OF THE IBEROAMERICAN FEDERATION OF OMBUDSMAN (LISBOA, PORTUGAL)

From November 18 to 21, 2002 was held in Lisbon, Portugal, the VII Annual Congress of the Iberoamerican Federation of Ombudsmen (FIO), being its central theme: "The Ombudsman: new fields, new functions".

Representing the President of the CNDH, the First Visitor General participated with the presentation of the report "The Mediation of the Ombudsman in the conflicts between the administration and the citizens".

During the three working days, the representatives of more than 80 institutions from Latin-America, Spain, Portugal and Andorra analyzed the present problems which the iberoamerican region is facing, and by consensus approved the Declaration of Lisboa, with text we publish below:

#### DECLARATION OF LISBOA

The Defenders of the People, Attorneys, Purveyors of Justice, Commissions and Presidents of Public Commissions of Human Rights, gathered in the VII Annual Congress of Iberoamerican Federation of Ombudsman (FIO) in the city of Lisboa, Portugal, from November 18 to 21, 2002, approve the following DECLARATION:

1. EMPHASIZE the role of mediator of the Ombudsman for interrelation between the citizens and the public powers, favoring the solution of conflicts.
2. CONSIDER good administration as fundamental for governing, which guarantees the full enjoyment of the fundamental rights and liberties, with citizen participation and transparency in decision making, the rendering of accounts and the responsibility of the public servants.
3. ACKNOWLEDGE the importance of monitoring and the evaluation of public policies in order to guarantee that their design and execution be within the framework of respect for the Human Rights.
4. IDENTIFY the most frequent problems of the rendering of public services as being insufficient access, high tariffs and the low quality of service, which tend to originate problems between the state or private companies and the users, and that, we the Ombudsman, must assume a constitutional and legal mandate in the protection of the Human Rights, especially in the poorer sectors.
5. EXPRESS that the procedures of privatization must not diminish the possibility of demanding the rights of persons, such as the protection which the Ombudsman can give.
6. EMPHASIZE the reciprocal relationship between human rights and the state of democratic right since there does not exist any respect for the Human Rights outside the democratic system and the perfection of this is impossible without respect to said rights.

7. REITERATE their firm support for the International Criminal Court to begin, in a permanent fashion, develop as soon as possible its mission of imparting justice in a global way, in the face of genocide, crimes of less humanity, the crimes of war and aggression.
8. COMMIT to exercising their influence within their respective countries, in order to achieve the confirmation of the Rome Statute, and in the countries which have already done so, that they may adapt their internal legislation and so that their States do not underwrite bilateral agreements which have as their objective withholding from the competency of the Court any person accused of having committed any of the crimes mentioned.
9. REITERATE their condemnation of all forms of terrorism, independently of its motives, and they join with the victims and the peoples who suffer it, assuming that the fight against terrorism must be made in strict respect to International Law and to the Human Rights.
10. EXPRESS preoccupation about the growing migratory phenomenon, within Latin America as well as other continents, it has being the result of growing poverty, above all for the inequality of opportunities of life. They COMMIT to a more active role as promoters and protectors of Human Rights, in a situation which involves special vulnerability, in order to make possible the traditional continental solidarity.
11. ACKNOWLEDGE that the high cost of the external debt makes it unpayable, depriving the peoples of Latin America of its economic self-determination, and to a level of life with human dignity.
12. ACKNOWLEDGE the work of the Commission and of the Interamerican Court of Human Rights, exhorting the member countries of the Organization of American States, that they may endow them with the necessary budget so that they may continue their important task of protecting and promoting the Human Rights in the hemisphere.
13. REITERATE on International Childhood Day, the importance which respect of all the rights corresponding to children and adolescents, has.
14. SUPPORT the work of the Defender of the People of Colombia, developed during ten years in a very difficult context, due to its high risk, marked by increasing internal armed combat and the frequent and grave violations to the Human Rights.
15. SUPPORT the efforts of the Attorney General for Human Rights in Guatemala for creating a commission for the investigation of illegal cells and clandestine safety apparatus in accordance with the fulfillment of the Agreement on Historical Enlightenment, jointly with the non-governmental defenders of the Human Rights.
16. MANIFEST their preoccupation about the situation which the Bolivarian Republic of Venezuela is presently enduring, and they fully BACK the efforts of the PNUD, OEA and the Carter Center, for seeking and obtaining a peaceful solution, democratic and within the constitutional framework.
17. ACKNOWLEDGE the efforts of the Attorney Office for the Defense of the Human Rights in Nicaragua, which has initiated an international campaign in favor of a just commerce for the farm products which are the basis of the economy in Central American countries.
18. SUPPORTS the labour which the Attorney Office for the Defense of the Human Rights in El Salvador has been undertaking, and REJECTS any act which may tend to diminish its mission.
19. UNDERSCORE the intimate connection between the indispensable guarantee of the independence of the Ombudsman and the necessary endowment of budgetary funds, for the full completion of their tasks.
20. REAFFIRM the necessity of creating or strengthening the specialized institutional mechanisms in the integral attention of the rights of women, recognizing with approval the opening of the Special Human Rights Program of Women in the National Commission for Human Rights in the Republic of Honduras.
21. RATIFY their commitment to include in all their activities an analytical and reflexive perspective on all forms of discrimination, with special emphasis placed on the conditions and specific needs of men and women, thus incorporating the focus on gender.
22. EXHORT the Parliaments of Brasil, Chile and Uruguay, that they may create in their own countries the figure of the Ombudsman, thus bettering the conditions of functioning of the democratic institutions, and securing the fundamental rights of individuals.
23. APPEAL to the representatives of the Congress so that in the very near future the first titular of the Defender of the People of the Dominican Republic, be designated.
24. SALUTE the access to independence of the Democratic Republic of Timor-East and we CONGRATULATE it for the consecration in its Constitution of the figure of the Purveyor of Justice and Human Rights. (Justica e Direitos Humanos).
25. SALUTE with approval the appointment of Sergio Vieira de Mello, as United Nations High Commissioner for Human Rights.
26. MANIFEST their commitment to reciprocal support within the offices of Ombudsman, through horizontal cooperation.
27. RECOGNIZE the fundamental role which the defenders of Human Rights have been developing in favor of respect for human dignity, and appeal that they may be given the necessary guarantees for their labour.
28. THANK the presence in the General Assembly of the recently elected President of the International Ombudsman Institute, Clare Lewis, Ombudsman from Ontario, Canada, and of the General Secretary of the Association for the Prevention of Torture, Mark Thomson.
29. RECOGNIZE the labour that the Interamerican Institute of Human Rights fulfills as Technical Secretary of the FIO, and its work in the promotion and strengthening of the Ombudsman figure in the region.
30. MANIFEST their recognition for the execution of the Regional Support Program of the Defenders of the Peoples of Latin America, which is carried out with funds from the European Community and the Spanish Agency for International Cooperation.
31. SALUTE the Principal Board and the Directive Committee of the FIO for its work during the present administration.
32. EXPRESS their gratitude to the Portuguese Purveyor of Justice, Henrique Nascimento Rodrigues, for the organization of the VII Congress, and to the People of Portugal for their hospitality and attention, and manifest their complacency that these agreements been known as DECLARATION OF LISBOA.

In the city of Lisboa, Portugal, on the twentieth day of the month of November, 2002.

## RECOMMENDATIONS

### Recommendation 42/2002

November 4, 2002

Case: Appeal presented by Mr. Romero Ibarra Espinoza

Authority Addressed: Constitutional Governor of the State of Chiapas

On August 14, 2002, this National Commission received the appeal of Mr. Romero Ibarra Espinoza, for the inacceptance of Recommendation CEDH/034/2002 issued by the State Commission for Human Rights of Chiapas, on behalf of the Attorney General's Office of said federative entity. From the evidence obtained, the violations to his Human Rights, committed against him by personnel of the State Investigation Agency, Zona Costa, were accredited, as well as the lack of the execution of the arrest warrant issued by the First District Court of Criminal Practice, of the Judicial District of Tapachula de Córdova of Ordoñez, Chiapas, against public servants Gildardo Peresa and others, for their probable responsibility in the criminal acts of illegal detention and violent robbery committed against Mr. Ibarra Espinoza.

Based on the analysis of the documentation sent, this National Organism issued Recommendation 42/2002 addressed to the Constitutional Governor of the State of Chiapas, so that he proceed to instruct the Attorney General to initiate the complete execution of Recommendation CEDH/034/2002 issued by the State Commission.

### Recommendation 43/2002

November 22, 2002

Case: Appeal presented by Mrs. Graciela Bustamante de Trotter

Authority Addressed: Constitutional Governor of the State of Morelos

On September 19, 2002, this National Commission received the appeal sent by the State Commission for Human Rights of Morelos, presented by Mrs. Graciela Bustamante de Trotter, against the lack of execution on behalf of the Attorney General's Office from that state, of the Recommendation issued on April 1, of the same year.

Based upon the analysis of the documentation sent, as well as the investigation undertaken, this National Organism proved that the Recommendation made by the state organism to the Attorney General's Office of said state was in accordance to the Law since it was proven that Mr. Roberto Quiñonez Báez, head of the Tenth Inquiry Agency of that Attorney General's Office, on February 1 of the current year, after having completed an arrest warrant against Mr. Erick Trotter Bustamante for his probable responsibility in the criminal act of homicide, took an extended statement from him before placing him at the disposal of the referred judicial authority, thus harmfully violating Mr. Trotter's Human Right to lawful safety.

Based on the above, this National Commission issued Recommendation 43/2002 addressed to the Constitutional Governor of the State of Morelos so that he may proceed to instruct the Attorney General of that federative entity to carry out, on its terms, the execution of the Recommendation dated April 1, 2002 issued by the State Commission for Human Rights of Morelos.

### Recommendation 44/2002

November 25, 2002

Case: Appeal presented by Mr. Sidronio Martínez Castro and others

Authority Addressed: Municipal President of Eduardo Neri, Guerrero

On July 3, 2002, this National Commission received the appeal presented by Mr. Sidronio Martínez Castro and others, from the community of Jalapa, municipality of Eduardo Neri, Guerrero, by which they manifested their discontent because of the lack of fulfillment of the second and third operative points of Recommendation 039/2002 issued on May 28, 2002 by the Commission for the Defense of the Human Rights of Guerrero, addressed to the Municipal President of Eduardo Neri, Guerrero.

Based upon the analysis of the documentation sent, as well as from the investigation undertaken by this National Organism, it was thought that the grievance presented by Mr. Sidronio Martínez Castro and others is based on fact, it being made evident that this person's legal and judicial safety rights were violated, since in spite of having the legitimate right to have the public water service, this was arbitrarily suspended, without the existence of a written order from the competent authority to do so, nor were they given the right to a hearing.

For this reason, this National Commission establishes that Recommendation 039/2002 was in accordance to the law, and thus, the insufficiency in its fulfillment was declared, reason by which the recommendation was made to the Municipal President of Eduardo Neri, Guerrero, that the fully execute the second and third operative points of Recommendation 0239/2002, addressed to the Municipal President of Eduardo Neri, Guerrero, by the Commission for Human Rights of the State of Guerrero.

## DOMESTIC RELATIONS

### New members of the Consultative Board of the CNDH

According to which was agreed upon in article 102 section B of the Political Constitution of México, the Senate of the Republic designate by majority of votes, three new members of the Consultative Board of the CNDH and ratified one more in his post.

Doctor in Philosophy Paulette Dieterlen Struck, Doctor in Law Patricia Kurcyn Villalobos, and Law Professor Loretta Ortiz Ahlf are the new counsellors of the CNDH, while Dr. Sergio García Ramírez was confirmed for a new period.

### Recognition of the CNDH to the Town Council of Douglas, Arizona

The President of the CNDH, Dr. José Luis Soberanes Fernández expressed his recognition to the Town Council and to the Mayor of Douglas, Arizona, Ray Borane in regard to the resolution which the members of said organization issued, and in which they publicly oppose the formation of groups of persons dedicated to the "hunting down" of illegal workers.

By means of a letter, the national Ombudsman points out that the decision taken by the Town Council of Douglas is a positive sample of civility and respect to the Human Rights, which contrasts with the attitude of some minority groups which promote racism and discrimination towards migrants, and in general towards those who are different.

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

During the month of November the last round tables of this year were held. The first which took place on November 7, was dedicated to the subject "International Tribunals" and one of its participants was Prof. Loretta Ortiz Ahlf, Head of the Law Department of the Iberoamerican University, and new Counsellor of the CNDH, Ms. Claudia López David, Attorney-at-Law, responsible for the Academic Sector for México, Central America, and the Caribbean of the International Committee of the Red Cross, and of Dr. José Borjón Nieto, Professor and Researcher from the National Institute of Criminal Science. The second round table was held on November 14, further analyzed the subject "International Tribunals", and had the participation of Dr. Mario Ojeda Gómez, researcher from the Colegio de México. The third round table took place on November 21 with the subject "The International Criminal Courts" under the leadership of Prof. Patricia Olamendi Torres, Sub-Secretary for Global Subjects from the Ministry of Foreign Affairs, of Dr. Miguel Carbonell Sánchez, Joaquín González Casanova and Dr. Jorge Ulises Carmona Tinoco, researchers from the Legal Investigations Institute of the UNAM. Finally, the fourth round table was held on November 28, with the subject "The European Court of Human Rights" and had the collaboration of Ambassador Hermilio López-Bassols, from the Foreign Relations Ministry, and of Dr. Rafael Márquez Piñero, Head of the Institute of Documentation and Legal Research of the Panamerican University.

### Training Courses

The Mexican National Commission for Human Rights, adhering to the spirit promoted by the Institute of Ombudsman for the promotion of the study, the teaching and diffusion of the Human Rights, held during the month of November 2002, 89 activities. In the same way, in reply to the request from the Alternativas Pacíficas (Peaceful Alternatives) Organization, A.C., in the State of Nuevo León, the CNDH participated in the round table: "Models of Work of Shelters" and "Prevention and Education".

Among the subjects dealt with in the different activities of training and transmission of the culture of Human Rights are: "Basic Aspects of Human Rights", "Familiar Violence and Human Rights", "Rights of Women", "Human Rights of Children", "Rights of Youngsters in the Framework of the Human Rights", "Rights of Persons with different capacities"; "Rights of the people living with HIV Aids", "Human Rights and Health", "Human Rights of the Migrants and the Migrant Stations in México", "International System of Protection of the Human Rights", "Interamerican System of Protection of the Human Rights", "Human Rights in the Mexican Legal System", "Rights and Duties of the Personnel of Security/Safety and Custody"; "Training of Promoters in Human Rights" and "Financing to Non-Governmental Organizations", amongst others.

## INTERNATIONAL RELATIONS

### Meeting about Mexican Migrants' Human Rights in the United States

The Mexican National Commission for Human Rights, the University of California in Los Angeles, California (UCLA), the National Autonomous University of México (UNAM), the International Institute "Center of Latinamerican Studies, Program about Mexico, the General Consulate of Mexico in Los Angeles and Profmex convened on November 12 and 13 in the city of Los Angeles, California the "Meeting about the Mexican Migrants' Rights in the United States".

The event had as its main objective the introduction and analysis of the subscription of new international commitments for the protection of the rights and fundamental guarantee of the migrant workers. Among the subjects discussed the following stand out:

Protection and promotion of the Human Rights of migrants in the United States; Realities and Challenges after September 11; Legal and Moral Aid for the Migrants: Vision of the Human Rights Watch, between others.

The CNDH participated in the International Seminar "Migration Policies and Human Rights: Trends of the New Century"

Invited by the College of the Northern Frontier, in Tijuana, Baja California Norte, from November 27 to 29, an official of the Executive Secretariat of the CNDH participated in the International Seminar Migratory Policies and Human Rights: Trends of the New Century", with the presentation of a report about the future of the Migratory Policy of the United States.

Before academics and experts from Japan, Spain, United States and Argentina, extensive debates were made concerning the measures that the Mexican government must enforce by means of the Web of Consulates in the United States of America, in order to improve the levels of life of the almost 4 million non-documented migrant workers who live in the neighboring country.

#### PUBLICATIONS

Gaceta, official monthly publication of the Mexican National Commission for Human Rights number 147, corresponding to the month of October.

Third regional encounter between the CNDH, the local commissions and the ONG. National Commission for Human Rights, México, November 2002.

Fifth National Contest of Essays on Human Rights. National Commission for Human Rights, México, November 2002.

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