

NEWS LETTER

Number 94

December 2000

X Anniversary

CONTENTS

- FIFTH ANNUAL CONGRESS OF THE IBEROAMERICAN OMBUDSMAN FEDERATION
THE MEXICAN DECLARATION
- RECOMENDATIONS
- Recommendations numbers 27/2000, 28/2000, 29/2000, 30/2000, 31/2000 and 32/2000
- DOMESTIC RELATIONS
- Training Courses
- INTERNATIONAL RELATIONS
- CNDH Attends Regional Conference in Preparation for the World Conference on Racism, Racial Discrimination, Xenophobia and Other Related Forms of Intolerance
- RADIO AND TELEVISION
- PUBLICATION

FIFTH ANNUAL CONGRESS OF THE IBEROAMERICAN OMBUDSMAN FEDERATION (FIO)

The Fifth Annual Congress of the Iberoamerican Ombudsman Federation (FIO, in its Spanish acronym) was held in México City from November 21 to 24. It was the second time the Mexican National Commission for Human Rights (CNDH) hosted this Congress.

The meeting was attended by fifty-one institutions for the promotion and protection of Human Rights in Iberoamerica, including provincial, regional, autonomous and local Human Rights institutions, all of them FIO voting members.

Within the setting of an active discussion among the members of the Federation on subjects having direct incidence on domestic and international relations, four issues were identified as priorities:

Migrants, refugees and displaced people.

The World Conference on Racism, Racial Discrimination, Xenophobia and Other Related Forms of Intolerance.

The International Criminal Court.

The debate on new challenges for the figure of the Ombudsman in Iberoamerica.

The speakers at the event, apart from doctor José Luis Soberanes Fernández, President of the Mexican National Commission for Human Rights, included Mr. Roberto Rodríguez Casasbuenas, Representative of the United Nations High Commission for Refugees in México, Belize, Central America and Cuba; Mrs. Gabriela Rodríguez Pizarro, Special Reporter on Migrant Human Rights; Mr. Orest Nowosad, from the United Nations Office of the High Commissioner for Human Rights; Dr. Enrique Bernales

Ballesteros, from the Andes Commission of Jurists; Dr. Héctor Fix-Zamudio, Emeritus Researcher at the Institute of Juridical Investigations belonging to the National Autonomous University of México; Dr. Javier Acuña Llamas, Director of the Human Rights Project in the University Anáhuac del Sur; Dr. Juan José Ríos Estavillo, General Director of CNDH's Automated Information, and Andrés Calero, General Director of Complaints and Orientation in the CNDH.

Moreover, observers and special guests included Mr. Brian Burdekin, Special Consultant for National Institutions belonging to the United Nations Office of the High Commissioner for Human Rights; professor Albert Sasson, Representative of the Human Rights Consulting Board in the Kingdom of Morocco; Ms. Lawrence M. P. Laurent, from the Santa Lucia Parliamentary Commission; Mr. Claes Eklundh, Swedish Ombudsman; Mr. Pedro Nikken and Mr. Roberto Cuéllar, Chairman and Executive Director of the Interamerican Human Rights Institute, respectively; Mr. Thierry Meyrat, Mr. Reto Meister and Mrs. Cristina Pellandini, from the International Red Cross Committee; Mr. Julio César Valentin Jiminián and Mr. Rafael A. Carvajal Martínez, Congressmen of the Dominican Republic; Mr. Juan Domingo Milos Hurtado, President of the Chilean Chapter of Ombudsman; Mr. Manuel Guedán, Representative of the Cooperation for Development Initiatives Center (CICODE), belonging to the University of Alcalá de Henares, Spain; Mrs. Alicia Malanca, Defender of the University Community in the National University of Córdoba, Argentina; Senators and Deputies of Mexican

Congress; Federal Government officers, representatives of national NGOs, and representatives of Mexican academic institutions, among many others. All in all there were 150 participants.

It is worth mentioning that the President of México, doctor Ernesto Zedillo Ponce de León, was present at the Inauguration Ceremony of the Fifth Annual Congress of the FIO, and that the President Elect of México, Vicente Fox Quesada, was present at the Closing Ceremony.

At the end of the work sessions both the Strategic Guidelines for FIO Member Organizations Work and the Mexico Declaration were approved, as follows.

THE MÉXICO DECLARATION

The Defenders of the People, Attorneys, Providers, Commissioners and Presidents of Public Human Rights Commissions, gathered in the Fifth Annual Congress of the Iberoamerican Ombudsman Federation (FIO) in México City, from November the twenty-first to the twenty-fourth, 2000, in the frame of the preparations for the World Conference on Racism, Racial Discrimination, Xenophobia and Other Related Forms of Intolerance REAFFIRM our commitment to promote and protect the Human Rights of all people regardless of race, ethnic origin, language, religion, gender or any other, and REITERATE that our function contributes to the strengthening of representative democracy, justice and governability in the Iberoamerican region.

Taking into account the previous statements, the Ombudsman of Iberoamerica:

EXHORT all States to promote and consolidate the figure of the Ombudsman within the constitutional and statutory frame of their legal system, guaranteeing full autonomy and independence.

Enthusiastically SUPPORT the constitutional reform project, recently presented to the national Congress by the President of Chile, to establish a "Citizen's Defender" in that country, and are at the disposition of the Chilean Chapter of Ombudsman and Human Rights Organisms to provide any technical support they might require so that the civil society actively participate in this historic moment of Chilean politics.

CONGRATULATE the Senate of the Dominican Republic for the approval of the bill establishing a Dominican Ombudsman, and are pleased about the participation of members from the Dominican Chamber of Congress in this FIO activity, as a clear sign that here too the definitive approval of the law is imminent.

4. Particularly EXHORT Paraguayan Congressmen to conclude the designation process for the first Defender of the People in that Nation.

EXHORT the Brazilian and Uruguayan people and authorities to join the Iberoamerican trend of Ombudsman, as a legitimate aspiration of all the people of the region, and as an essential element for democracy and for the development of a Human Rights culture.

EXHORT all States to, in collaboration with the Ombudsman, promote a culture of peace which enables the development and security of society in a frame in which the dignity of the person becomes the supreme value of society and State.

CONDEMN E.T.A. terrorist attacks and make common cause with the victims of the people of Spain in the defense of Human Rights, freedom and democracy.

RECOGNIZE the work carried out by the Defender of the People of Perú in defense of citizens' fundamental rights and the recovery of institutionalized democracy in that country, namely electoral supervision in the elections held this year and through participation in the dialogue table promoted by the Organization of American States.

Decidedly SUPPORT the Office of the Defender of the People of Colombia in their transcendental work defending the fundamental rights of the Colombians, their humanitarian work and of mediation, and quest for peace in the intricate context of the Colombian conflict.

EXHORT the President of the United States of America to order the complete and permanent cease of bellicose practices on Municipio of Vieques Island, Puerto Rico, as has been unanimously requested by all political parties, ecclesiastical authorities, as well as by labor, civilian and social organizations of Puerto Rico.

REITERATE our concern for the chronic problems which hinder the comprehensive development of our societies and impede the people's right to a dignified life, including the eradication of poverty, exclusion, corruption, impunity, insecurity, denial of justice and discrimination.

ASSERT that human diversity in Iberoamerica is one of its main resources; therefore, we CONSIDER that constructing an atmosphere of tolerance and acceptance to what is different is essential to eradicate all forms of racism, racial discrimination, xenophobia and intolerance. In this sense, we REAFFIRM that one of the most important and complex functions of the Iberoamerican Ombudsman is to strive against all forms of discrimination; therefore, we DECLARE that the Ombudsman's participation with full right at the World Conference on Racism, Racial Discrimination, Xenophobia, and Related Forms of Intolerance, is of vital importance and transcendence to control and solve this problem.

MANIFEST the force of the principles of equality and non discrimination among human beings on the basis of gender and COMMIT ourselves to promote and protect women's Human Rights from a comprehensive perspective of their situation, even within our own institutions, and RECOMMEND the Ombudsman who have not yet created a specialized office for this issue to take the necessary steps to this effect.

MANIFEST that violence and all forms of sexual harassment and exploitation, especially of women and children, are incompatible with the dignity of the human person. In this sense we are COMMITTED to collaborating closely with the appropriate institutions to detect and eradicate these practices.

APPROVE the Panama Declaration "United for Childhood and Adolescence, Basis for Justice and Equality in the New Millennium," adopted by the X Summit of Iberoamerican Heads of State and Governments, held in Panama City on November 18, 2000, which considered the Barcelona Declaration approved by FIO in June this year, and EXHORT the members of the Federation to follow up the commitments taken on by their Presidents.

REPUDIATE all acts of discrimination, intolerance and xenophobia against people who, for different reasons, are forced to relocate within their country or emigrate. We REQUEST the States of origin and those receiving migrants to analyze, understand and approach the migration phenomenon from a perspective of Human Rights, as the protection of fundamental rights does not hinder or impede at any time illegal migration control. In this sense, the Ombudsman of Iberoamerica make an urgent CALL to the government of the United States of America to eradicate all policies of border control and discrimination which attempt against the life and rights of migrants and to watch, control and punish the "hunt for illegal workers" by private groups on the Southern border of their territory, and SUPPORT the work carried out by the Mexican Ombudsman to combat these denigrating acts to human dignity.

REPUDIATE the use of death penalty anywhere in the world and SUPPORT what is set forth in Consultative Opinion 00/16 of the Interamerican Court for Human Rights, which establishes that failure to give consular notification of detention of all foreigners in a third State implies a violation to due process and, hence, if capital punishment is imposed and executed this means an arbitrary privation of life, which entail consequences in matters of international responsibility of the State and reparation of the harm.

REAFFIRM that the protection and promotion of the rights of indigenous peoples and African descendants is one of the Ombudsman's most important duties. We BELIEVE in the respect and dissemination of the uses and customs of indigenous peoples, as long as these do not contravene Human Rights and EXHORT the corresponding States, non governmental organizations and international organs to facilitate negotiations of Declarations regarding indigenous peoples in the UNO and OAS. In this sense, the Ombudsman of Iberoamerica agree to request the States which have not yet ratified OIT Agreement 169 on the rights of indigenous peoples and tribes to do so or to withdraw their reserves accordingly, and promote the necessary measures in the domestic sphere to give it full enforcement.

COMMIT ourselves to reinforce the study and dissemination of International Law on Human Rights and International Humanitarian Law and EXHORT all States to ratify or comply with the international and regional instruments on the subject of Human Rights. We DECLARE it is a fundamental duty of the Ombudsman to influence their countries to achieve this aim.

REITERATE our request to the Office of United Nations High Commissioner for Human Rights to resolve the Ombudsman's petition to have their own statute in Human Rights deliberations in the framework of the United Nations. We EMBRACE what is established by the OAS General Assembly in the sense that the Ombudsman take part in the dialogue on the strengthening of the Interamerican Human Rights System and COMMIT ourselves to participate with a positive spirit.

REITERATE that the establishment of the permanent International Criminal Court is essential in the struggle against impunity and, given its complementary nature regarding internal legal systems, is a determining factor in the reform of these systems. We MANIFEST our concern regarding the scarce number of countries which have ratified the International Criminal Court Statute and, to this effect, RECOGNIZE the key role of the Ombudsman in analyzing the necessary domestic legal reforms and adjustments, with the aim of promoting the signing, ratification and operation of the Rome Statute.

RECOGNIZE the importance of joint work between institutions and the organized civil society and EMBRACE respect, the right and duty of individuals, groups and institutions to promote and protect universally recognized Human Rights and fundamental freedoms.

We REPUDIATE any act which attempts against Human Rights defenders' work or physical and mental integrity and are ENGAGED to continue working jointly with them in the fulfillment of this mission.

RECOGNIZE the work carried out by the Interamerican Human Rights Institute, the FIO Technical Secretariat, to promote the figure of the Ombudsman in the region and THANK their support for the celebration of this Fifth Annual Congress of the FIO. We EXHORT financial and international cooperation institutions to collaborate in the realization of these efforts in coordination with the Institute.

CONGRATULATE the Directing Committee, headed by doctor Leo Valladares Lanza, for the excellent conduction of the Iberoamerican Ombudsman Federation.

EXPRESS our gratitude to doctor José Luis Soberanes Fernández, Mexican Ombudsman, for the successful organization of the Fifth Annual Congress of the FIO, as well as the Organizing Committee and the people for their hospitality and attention towards the participants of this event and MAKE KNOWN our satisfaction that these AGREEMENTS be known as the MEXICO DECLARATION.

In México City, México, on the twenty-fourth of November, 2000.

RECOMMENDATIONS

Recommendation 33/2000

December 20, 2000

Case: Refutation measure brought by Mr. Marco Antonio López García and others.

Authority Addressed: Chairman of the Governmental Commission in the State of Guerrero Congress.

Recommendation 34/2000

December 20, 2000

Case: Refutation measure brought by Mr. Roberto Mireles Cázares.

Authority Addressed: Mayor of Apodaca, State of Nuevo León

Recommendation 35/2000

December 20, 2000

Case: Refutation measure brought by Mrs. Maria Celia Martínez Baena

Authority Addressed: Mayor of Iguala de la Independencia, State of Guerrero.

Recommendation 36/2000

December 21, 2000

Case: Refutation measure brought by Mr. Ricardo Morales López.

Authority Addressed: Governor of the State of Sinaloa.

Recommendation 37/2000

December 21, 2000

Case: Refutation measure brought by Mr. Salvador Valencia Pérez and minor Juan Valencia Pérez.

Authority Addressed: Mayor of Acayucan, State of Veracruz.

DOMESTIC RELATIONS

Training Courses

The National Commission for Human Rights, following the spirit promoted by the institution of the Ombudsman to disseminate the study, teaching and diffusion of Human Rights, during the month of December, undertook 39 activities related to Human Rights.

Personnel belonging to the training area of the Mexican National Commission for Human Rights gave 13 workshops, 11 conferences, eight workshop-courses, one diploma course, one seminar, two forums and, in coordination with the Ministry of National Defense, concluded the "National Cycle of Conferences to Strengthen Respect for Human Rights in the Army". Likewise, in attention to the request made by the Office of the Attorney General, four sessions of the "Course on Human Rights" were given to investigators of federal crimes and, lastly, a presentation of the Minimum Agenda for Education in Human Rights was made to several state authorities in Oaxaca.

The subjects of the training activities were varied, the most important being: Civic and Ethic Formation; the Formation of Human Rights Promoters; the Role of Human Rights Educators; the Human Rights of Indigenous Peoples; Update on International Protection of People; Children's Rights; the Human Rights of the Elderly; Women's Human Rights and Domestic Violence; the Human Rights of the Disabled; Human Rights and HIV-Aids; Reason for Human Rights; the Use of Strength and Fire Arms; Human Rights and Police Duties; the Social Representative; the Ombudsman and Human Rights; Existence and Duties of the Mexican National Commission for Human Rights; Educating with Tenderness, and the CNDH and Human Rights NGOs.

INTERNATIONAL RELATIONS

CNDH Attends Regional Conference in Preparation for the World Conference on Racism, Racial Discrimination, Xenophobia and Other Related Forms of Intolerance

From December 5 to 7, in Santiago, Chile, the Legal Affairs Director of the Executive Secretary belonging to the Mexican National Commission took part in the Regional Conference in Preparation for the World Conference on Racism, Racial Discrimination, Xenophobia and Other Related Forms of Intolerance.

During these days the following proposals were adopted:

- 1) The countries of the American continent recognize and reaffirm that the principles of equality of people and respect for Human Rights and fundamental freedoms regardless of race, color, sex, language, religion, political opinion, nationality or social or ethnic origin, condition in property, birth, sexual orientation, are fundamental principles of international Human Rights law and standards.
- 2) Ratify and recognize that the identity of the Americas cannot be separated from its multi-racial and multi-ethnic character, and that the diversity of societies which conform it are part of its culture and political system.

The meeting was also devoted to the following subjects:

- Sources, causes, forms and contemporary manifestations of racism.
- Victims of racism.
- Prevention measures, education and protection with the aim of eliminating racial discrimination.
- International cooperation.

RADIO AND TELEVISION

During the month of December, 2000, the General Director's Office for Social Communication belonging to the Mexican National Commission transmitted on Radio Universidad's broadcast Argumentos, four programs on the following topics: "The treatment of post-traumatic stress and the CNDH Program for Attention to Victims of Crime", "The Human Rights of HIV-Aids patients", "Boys and girls victims of sexual exploitation", and "Educational integration of disabled children in regular education".

PUBLICATIONS

Gaceta, the National Commission for Human Rights' official monthly publication, No. 123, corresponding to the month of October, 2000.

OFFICERS

President
José Luis Soberanes

First Visitor
Victor Manuel Martínez Bullé-Goyri

Second Visitor
Raúl Plascencia Villanueva

Third Visitor
José Antonio Bernal Guerrero

Fourth Visitor
Leoncio Lara Saenz

Executive Secretary
Francisco Olguín Uribe

Technical Secretary of the Council
María del Refugio González

Editor: Laura Sanabria

El cuidado de la edición estuvo a cargo de la Dirección de Publicaciones de la CNDH.

Periférico Sur No. 4118, 2º piso, Jardines del Pedregal, Delegación Álvaro Obregón, México D.F., 01900

Teléfono : (52) 51 35 05 94

Fax: (52) 51 35 05 95

E-mail: correo@fmdh.cndh.org.mx

<http://www.cndh.org.mx>