

NEWS LETTER

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PRESIDENT OF THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS, DOCTOR JOSÉ LUIS SOBERANES FERNÁNDEZ, ON SUBMITTING HIS FIRST ANNUAL ACTIVITY REPORT BEFORE THE EXECUTIVE POWER

On March 5, the President of the Mexican National Commission for Human Rights (CNDH, in its Spanish acronym), doctor José Luis Soberanes Fernández, presented his first Activity Report before the President of México, Vicente Fox Quesada, in accordance with revised Article 102 section B of the Mexican Constitution, which sets forth that the President of the CNDH will present a yearly activity report to the branches of the government.

In the presence of the members of President Fox's legal and enlarged cabinet, doctor Soberanes mentioned, among many other subjects, that the juridical, organizational and functional autonomy the institution enjoys now implies risks; he therefore called upon them to defend it, so as to avoid it being weakened, but rather, that it serve society and the State.

He also stressed that the Mexican National Commission is no longer a part of the Government and, hence, cannot count on its automatic backing, as occurred in the past. He added that the Commission's functioning autonomously creates tensions, and could lead to pressure. Therefore, his commitment is to unconditionally defend its autonomy, since it is the organism's main instrument of action and legitimation.

The national Ombudsman said that the CNDH is currently undergoing its own transition and is strengthening its capacity to combat any form of abuse of power, and is consolidating itself as a promoter of the rule of law and compliance with Human Rights, in accordance with its nature and the aims of a democratic State under the rule of law.

He considered that within the Mexican legal system it is not yet a fact that a person is presumed innocent until proven guilty. He informed that the CNDH is drawing up a draft law on this matter, with the aim of eradicating unacceptable practices, such as detention for investigation, or presumption of guilt for all those involved in a crime, with no distinction for their degree of participation or differentiation between victims and witnesses.

Referring to the problems of indigenous peoples, the President of the CNDH said that multi-cultural tolerance is essential in a democratic society where Human Rights are upheld. Hence, the imposition of ideas, beliefs or behaviors ties down judgment and imprisons liberty, and can become a form of abuse of power which leads to violence.

The Ombudsman declared himself in favor of making the Agreements of San Andrés Larrainzar standard, for it is one of the main legal elements to conclude the peace negotiations in Chiapas. However, he pointed out that only through the presentation of policies which address the root causes of the armed insurrection, which combat marginalization and poverty, can the democratic State of rule of law be strengthened.

The Mexican National Commission proposed the drafting of an Accompanying, Regulatory and Complementary Law which would establish and specify the new constitutional precepts on indigenous peoples' rights and culture, to avoid doubts and reduce fears deriving from a wide margin of interpretation.

The CNDH will foster a rapprochement between the government services in charge of indigenous peoples' affairs, and will continue its program of assistance and early release of Indian prisoners. Through the Cooperation Agreements signed by the Mexican National Commission with various government services, 596 Indians have been freed.

Furthermore, doctor Soberanes pointed out that this national institution will promote the modification of Articles 47 and 53 of the Federal Law on the Responsibilities of Civil Servants, so as to make respect for the Human Rights of indigenous peoples compulsory, and that their transgression due to racism or discrimination be considered a grave misdemeanor. The CNDH will propose, for consideration, that while this new law is being drafted an Indian representative participate in the Consultative Board.

On the subject of migration, doctor Soberanes suggested revising Article 123 of the General Law on Population, since México criminalizes those who enter the country illegally. In addition, he proposed a revision of Article 94 of the same law, to avoid retention or administrative detention centers and prisons for indicters or convicts being used to hold illegal migrants.

Finally, doctor Soberanes pointed out that violations to the Human Rights of illegal migrants are the result of lack of compliance and enforcement of the legal instruments which protect migrants. The problem --according to the President of the CNDH-- lies in managing to reconcile the universal and global protection of Human Rights and the right of States to establish their own

migration policies, in the framework of national sovereignty.

At the end of the address, the President of México, Vicente Fox Quesada, instructed all federal government employees to immediately attend to any pending matters pointed out by the CNDH which originated due to violations of basic rights.

President Fox pledged that his government will be the first to respect Human Rights and sanction violators. "In my government we do not tolerate any simulation of legality, we will not harbor a single civil servant who does not comply with the recommendations of this National Commission for Human Rights", he stated, promising not to cover up for anyone, nor allow impunity, which will be fought wherever it is found.

RECOMMENDATIONS

Recommendation 5/2001

March 6, 2001

Case: Mr. Rodolfo Salazar Romero.

Authority Addressed: Federal Attorney General.

Recommendation 6/2001

March 12, 2001

Case: Mr. Héctor Martínez Álvarez and Héctor Noé Martínez Ventura.

Authority Addressed: Federal Attorney General.

Recommendation 7/2001

March 23, 2001

Case: Violations to Human Rights committed by authorities of the Federal Center for Social Readaptation Number 1, "La Palma", in the State of Mexico, and Number 2, "Puente Grande", in the State of Jalisco.

Authority Addressed: Minister of Public Security.

Recommendation 8/2001

March 28, 2001

Case: Mr. Norberto Jesús Suárez Gomez.

Authority Addressed: Federal Attorney General.

DOMESTIC RELATIONS

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

During the month of March, the Mexican National Commission for Human Rights, in collaboration with the Faculty of Law of the National Autonomous University of Mexico (UNAM), within Module I which was devoted to the Protection of Human Rights in view of the intersection of several degrees of vulnerability, held four roundtables. In the first, on March 1, under the heading Women and Children Migrants, the following speakers took part: Ana Teresa Andrade Orozco, Director of the federal institution for the Comprehensive Development of the Family; doctor Axel Ramírez, founder of the Department of Chicano Studies in the UNAM, and Rosa María Álvarez de Lara, Coordinator of the CNDH Program on Affairs concerning Women, Children and the Family.

On March 8, in the roundtable devoted to women and religious freedom, the speakers included: Elio Masferrer Kan, professor-researcher at the National School for Anthropology, and Marisol Melesio Nolasco, CNDH specialist in indigenous affairs. The third roundtable took place on March 22 with the participation of: doctor Emma Mendoza Bremauntz, professor in the Faculty of Law, UNAM; doctor Ricardo Okie González, Director of the Medical Tower Tepepan of the Women's Reclusion Center, and doctor Bertha Imaz, CNDH specialist in penitentiary affairs. Lastly, on March 29, the roundtable was devoted to the Human Rights of the users of medical services, in which the speakers were: Antonio Rendón Tavera, MD, from Military Health, and Francisco Ruiz Maza, MD, Chief of the Nephrology Service of the Spanish Hospital in México.

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 March, 2001, undertook 55 activities related to Human Rights.

Personnel belonging to the training area of the Mexican National Commission for Human Rights gave 11 conferences, eight workshops and four workshop-courses. Moreover, in attention to the request from the Office of the Attorney General for the State of Mexico, the subject "Initial Formation in Human Rights" was taught to candidates of the Federal Judicial Police. Moreover, in coordination with the National Network against Violence towards Women, the CNDH participated in the distribution of editorial material during the VI International Women's Day Fair, which took place in the Central Square of México City.

Likewise, work meetings were held with different organizations, among which: representatives of the Organizing Committee for the Second Day on Rights of Elderly Adults; members of the Family Harmony Foundation, I.A.P.; public servants from the National Indigenous Institute, the Institute for Security and Social Services for State Workers and the Ministry of Defense; members of the National Youth Institute, the National Network against Violence towards Women; researchers from the Colegio de México; representatives of the Indigenous Council; the Mexican Human Rights League; Amnesty International, section México; the Commission for Peace and Justice of the México Archdiocese; coordinators from the National Distance-Learning University; members of the Campaign for Religious Tolerance; representatives of the Mexican University Institute for Human Rights, A.C.; the Family Harmony Foundation, and members of the Human Rights Commission for the Federal District and the Office of the United Nations High Commissioner for Refugees.

Furthermore, an agreement was signed with the Ibero-American University, A.C., to direct a Diploma Course in Human Rights.

The subjects of the training activities were varied, the most important being: Educating Boys and Girls with Tenderness; the Formation of Human Rights Promoters; Teaching and Human Rights; Human Rights and Values; the Family and the Right to Education of People with Special Educational Needs; Family Mediation; Vulnerable Groups in Europe; Women's Labor Rights; Domestic Violence; Women's Rights; Women, Legal Aspects in the International Sphere; the Use of Force, Firearms and Human Rights; Responsibility of Public Servants; Human Rights and Public Safety; Education for Peace, and Human Rights and Social Participation.

INTERNATIONAL RELATIONS

Work Meeting Between doctor José Luis Soberanes Fernández and Mrs. Michelle Falardeau-Ramsay

On March 9, 2001, in the city of Montreal, Canada, a meeting was held between Mrs. Michelle Falardeau-Ramsay, Chief Commissioner of the Canadian Human Rights Commission and doctor José Luis Soberanes Fernández, President of the Mexican National Commission, with the aim of analyzing: the project of Statutes for the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, which was created to establish and maintain a culture of Human Rights in the region; the viability and characteristics of the establishment of a Permanent Secretary of the Network; the signing of a Memoranda of Understanding with the Office of the United Nations High Commissioner for Human Rights, and future working meetings.

On this occasion, both heads manifested it was their wish for the Network to participate actively in the meetings on Human Rights developed within the United Nations system and to define the position of the National Institutions of the Americas for the coming World

Conference on Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, which will be held in Durban, South Africa, from August 31 to September 7, 2001.

Officers of the Canadian Human Rights Commission Visit CNDH

From March 13-16, 2001, the General Undersecretary and the officer for international affairs of the Canadian Human Rights Commission visited the offices of the Mexican National Commission with the aim of knowing its work and identifying liable areas of cooperation between both institutions.

In an effort to reactivate the Cooperation Agreement signed between both institutions in October 1995, both officers held work meetings with the areas devoted to cooperation with National Institutions for the Promotion and Protection of Human Rights, vulnerable groups, indigenous affairs and the office of General Director for Complaints and Orientation.

Videoconference between Heads of National Institutions of Argentina, Canada, Honduras and México

On March 26, 2001, a videoconference was held among the members of the Working Group of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas (the Defender of the People of Argentina, the Canadian Commission for Human Rights, the National Commissioner for Human Rights of Honduras and the CNDH) to identify the tasks for, and division of duties within the Network; to analyze draft Statutes, financing, and participation in forthcoming meetings.

The progress made by the Network's Working Group will be discussed at an up-coming meeting to be held in June.

Defender of the People of Argentina Pays Working Visit to CNDH

On March 26, 2001, doctor Eduardo René Mondino, Defender of the People of the Republic of Argentina, accompanied by the institution's Director of International Relations, paid a working visit to the CNDH and met with his counterpart, the President of the Mexican National Commission, doctor José Luis Soberanes Fernández.

During the meeting both institutions signed an Agreement of Cooperation which defines the cooperation strategies and includes, among others, the following modalities:

Reciprocal technical assistance for the treatment of subjects inherent to the competence of the parties, and to this end promoting the exchange of information, cooperation in technical domains, computing and bibliography of mutual interest.

Sharing the experiences of both institutions in the handling and investigation of complaints through documents or training courses for their respective staff.

Designing institutional projects which help the parties to formulate strategies to promote and protect --based on accepted international mechanisms-- the rights and interests of the citizens of their respective countries.

Exchange of the parties' experiences in promoting national legislation in accordance with international Human Rights instruments to achieve their effective practice.

Designing a program of visits, apprenticeships and training activities for staff of both parties, likewise, promoting institutional cooperation in national and international forums.

Promotion of regional collaboration in Human Rights subjects.

PUBLICATIONS

. Gaceta, the National Commission for Human Rights' official monthly publication, No. 126, corresponding to the month of January, 2001.

. Derechos Humanos, Tolerancia y Diversidad Religiosa [Human Rights, Tolerance and Religious Diversity], Mexican National Commission for Human Rights, México, March 2001. Triptych.

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