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## ABSTRACTS

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Mireille Roccatti V., *The Mexican Ombudsman; thoughts about the function, challenges and outlook of the National Human Rights Commission*

With forms, duties and obligations that vary from country to country, the Ombudsman is a mechanism that seeks to ensure better, fast, effective defense of individual human rights against public power in general, and the government in particular. The National Commission on Human Rights of Mexico (NCHR), Mexican Ombudsman, was created in 1990; its essential objective is the protection, observance, promotion, study and broadcasting of the human rights established in the national legal system. In this essay, the author describes the functions, duties, obligations and organization of the NCHR and analyzes the foundations that sustain its existence (such as its independence, autonomy and impartiality, among other things). She also provides reflections on some of the challenges Mexican society faces in this area, such as the promotion of a culture of respect for human rights.

Luis de la Barra Solórzano, *Torture in Mexico*

The federal law to prevent and penalize torture, enacted in 1986, was not effective in stopping and doing away with torture in Mexico. According to the author of this essay, this is due, among other reasons, to the fact that the jurisprudence of the Supreme Court of Justice considered that the initial statement of the accused should prevail over later, different statements. If this first statement was obtained under torture —something practically impossible to prove—, as in the case of psychological torture, the law was not doing its job; this is why it was repealed. The author states that, with the 1993 amendment to the Constitution, there is now a criminal process in which the accused has rights, like the fact that he cannot be made to declare; that all deprivation of communication, intimidation or torture are prohibited and penalized, and that confessions are only valid if they are made before

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the District Attorney's Office or the judge, and with the assistance of defense counsel. In the author's opinion, with the constitutional amendments and the establishment of human rights commissions (national or state), the defense of human rights in Mexico advances.

Sergio González Gálvez, *Mexico and the International Criminal Court*

In order to create adequate mechanisms for doing away with the impunity of those who commit international crimes, such as genocide, the General Assembly of the United Nations called a conference of plenipotentiaries to create an International Criminal Court (ICC). The conference took place in 1998, in Rome, with participation by 161 countries. As highlighted in this essay, the purpose of creating an ICC is to have an international legal body that can call those responsible for international crimes to account when, for unjustified reasons, the national courts cannot or do not want to do so. As the author points out, Mexico worked intensely during the preparations aimed at having the bylaws of the ICC adopted by consensus; despite the progress achieved in Rome, the final text of the bylaws adopted there left several important questions pending, the explanation of why it has not been able to vote for them. The essay analyzes the positions assumed by Mexico and its objections to the text of the bylaws that were voted.

Yanerit Morgan Sotomayor, *Human Rights in the United Nations Organization*

The United Nations (UN) has been fundamental in building a complex scaffolding of legal instruments and international mechanisms to promote and protect human rights. The UN Charter (1945), the establishment of the Human Rights Commission (HRC, 1946) and the Universal Declaration of Human Rights (1948) were the starting points for a system of protection that is being perfected. This essay describes and analyzes this system, particularly through the work of the HRC and in the light of the results of the World Conference on Human Rights (Vienna, 1993), as well as the advances achieved since then. Among other points, the essay highlights the importance of the establishment of the High Commissioner for Human Rights as a

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means to achieve improved global respect for human rights, and contributions by non-government organizations.

Arturo Hernández Basave and Alejandro Negrín, *The Human Rights Commission: notes on its functions and procedures*

The Human Rights Commission (HRC, 1946) is the most important body in the United Nations' system of coding, promoting, protecting and overseeing human rights. In this essay, the authors describe and critically evaluate the work of the HRC in the last five decades: they recognize its vital importance as a discussion forum and a moving force in the creation of basic instruments and mechanisms to promote and oversee respect for human rights, and at the same time point out the use of these instruments and mechanisms by States—and recently by non-government organizations—in attaining political objectives unrelated to human rights. The authors also highlight the HRC's selectivity in examining the situation of human rights in certain countries, the excessive proliferation of its mechanisms and the trend in some to adopt quasi-judicial functions; according to them, this situation is explained by the bearing of facilitating scenarios, imbalances and asymmetries of the international scene on the work of that commission.

Mario Luis Fuentes, *Children's Rights*

In most countries (including Mexico), there has been a predominant paternalistic, guardian-type protection of children's rights; in recent decades a new focus has been gaining ground which recognizes boys and girls' status as people, human beings with their own rights inherent in this category. According to the author of this essay, the approval and ratification of the Convention on the Rights of the Child (CRC), in effect since 1990, is both the culmination of around 65 years of national and international efforts to protect children's rights, and a point of departure for promoting and achieving their integral development. The author examines the rights protected by the CRC and highlights the need to create mechanisms and instruments that convert the letter of these

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rights into actions, attitudes and behaviors, as well as concrete, daily custom.

Aída González Martínez, *Women's Rights*

The Convention on elimination of all forms of discrimination against women (1979) was the culminating point of multilateral efforts to codify the international criteria, principles and standards (declaratory, resolute or legal) aimed at achieving women's full equality with men. It is a contractual, global international instrument whose scope, according to the author of this essay, is conditioned by the degree of social progress, education and information existing in each country. This essay analyzes the background of the 1979 Convention; it describes the rights protected by it; it studies the control and supervision mechanisms established by the convention to ensure compliance with its provisions, and stresses the need for legal recognition of woman's equality to become a daily reality, particularly through a wide program to broadcast women's rights and the provisions of the 1979 Convention.

Claude Heller R., *Human Rights in the Organization of American States*

One of the main achievements of the Organization of American States (OAS) has been the construction of an interamerican system of protection and promotion of human rights. This essay reviews the evolution and characteristics of this system, which began with the adoption of the American Declaration of the Rights and Duties of Man (1948); according to the author, although this system has had a favorable influence on regional development, today it needs to be reinforced and updated. In particular, the author analyzes the function and activities of the Interamerican Commission on Human Rights and points out the tendency by that Commission to assume jurisdictional capacities not granted by the States of the OAS; in his opinion, the consolidation and perfecting of the interamerican human rights system will, in the future, require fluid, transparent dialogue between the States and the bodies qualified in the subject matter.

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Laura Salinas Beristain, *From the Universal Declaration of Human Rights to the Belém do Pará Convention*

This essay describes and analyzes the scopes of the Interamerican Convention to prevent, penalize and eradicate violence against women, adopted in Belém do Pará, Brazil in 1994. It is the first international instrument that deals with and gives content to the right to a violence-free life; it recognizes that acts of violence against women violate their human rights and their fundamental freedoms. The author refers in particular, to the serious problem of interfamily violence, frequent in all countries and at all social levels. In Mexico's case, she points out the challenges society faces in overcoming it, both in the public sphere—the procuring and imparting of justice (jurisdictional capacity respectively, of the executive and judicial branches), adequate laws and standards (responsibility of the legislative branch)— and in the private.

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