



C u r s o
Elaboración de Informe Médico de Lesiones
En el Marco de los Derechos Humanos

Cápsula N° 1

Presentación del Curso Elaboración de Informe Médico de Lesiones

3 DICIEMBRE 2019

Dr. Waldo Wilkinson Smith, Médico, Miembro Departamento de DD.HH del COLMED.
Dr. Enrique Morales Castillo. Médico, Presidente del Departamento de DD.HH del COLMED.

Departamento de Derechos Humanos
Colegio Médico de Chile



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TRABAJO MEDICO

ETICA Y DERECHOS HUMANOS



THE UNIVERSAL DECLARATION OF Human Rights

PREAMBLE Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations among nations,

WHEREAS the peoples of the United Nations have in the Charter expressed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

declared as primary social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves in Article 1, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

THE UNDERTAKING the common aspiration

HEREBY proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, in the belief that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether the country is an independent State, a trust territory, a non-self-governing territory, or under any other form of temporary arrangement.

Article 3 Everyone has the right to life, liberty and security of person.

Article 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6 Everyone has the right to recognition as a person before the law.

Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 8 Everyone has the right to an effective remedy by the competent national tribunals for the violations of the fundamental rights granted him by the constitution or by law.

Article 9 No one shall be subjected to arbitrary arrest, detention or exile.

Article 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

Article 11 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law. In the course of this trial, he shall be treated in full equality with the accused. 1. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time that it was committed. 2. No one shall be held liable for a penal offence committed when it does not constitute a penal offence under national or international law.

Article 12 No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13 1. Everyone has the right to freedom of movement and residence within the borders of each country. 2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14 Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. No one shall be subjected to arbitrary arrest, detention or exile.

Article 15 1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor shall he acquire it by arbitrary means.

Article 16 1. Everyone has the right to marry. 2. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

Article 18 Everyone has the right to freedom of thought, conscience and religion. No one shall be subjected to coercion in his religion or faith, or in his freedom of thought.

Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions and to receive and impart information and ideas without restriction as to content.

Article 20 1. Everyone has the right to peaceful assembly and to freedom of association with other individuals, in the form of national, regional or international organizations, trade unions or other organizations for the promotion and defence of their interests.

Article 21 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country.

Article 22 Everyone has the right to social security. 2. No one shall be subjected to arbitrary interference with his right to social security.

Article 23 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to higher pay, to equality of pay for equal work, and to other benefits and social security.

Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, and to other benefits and social security.

Article 25 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and social services, and to education. 2. The States should take steps to ensure that this right is realized by the provision of international co-operation.

Article 26 1. Education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. 2. Education shall be free, at least in the elementary and basic stages. 3. Technical and vocational education shall be made generally accessible and higher education shall be equally accessible to all on the basis of merit.

Article 27 1. Everyone has the right to freedom of thought, conscience and religion. 2. No one shall be subjected to coercion in his religion or faith, or in his freedom of thought.

Article 28 1. Everyone has the right to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29 1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. No one shall be arbitrarily deprived of his nationality nor shall he acquire it by arbitrary means.

Article 30 Nothing shall be interpreted as authorizing any State, group or person to engage in any activity or to perform any act aimed at the destruction or denial of the rights and freedoms set forth herein.

After discussing the draft and the ability of various members of the Commission to implement it, the Commission decided to recommend to the General Assembly that it should be adopted.

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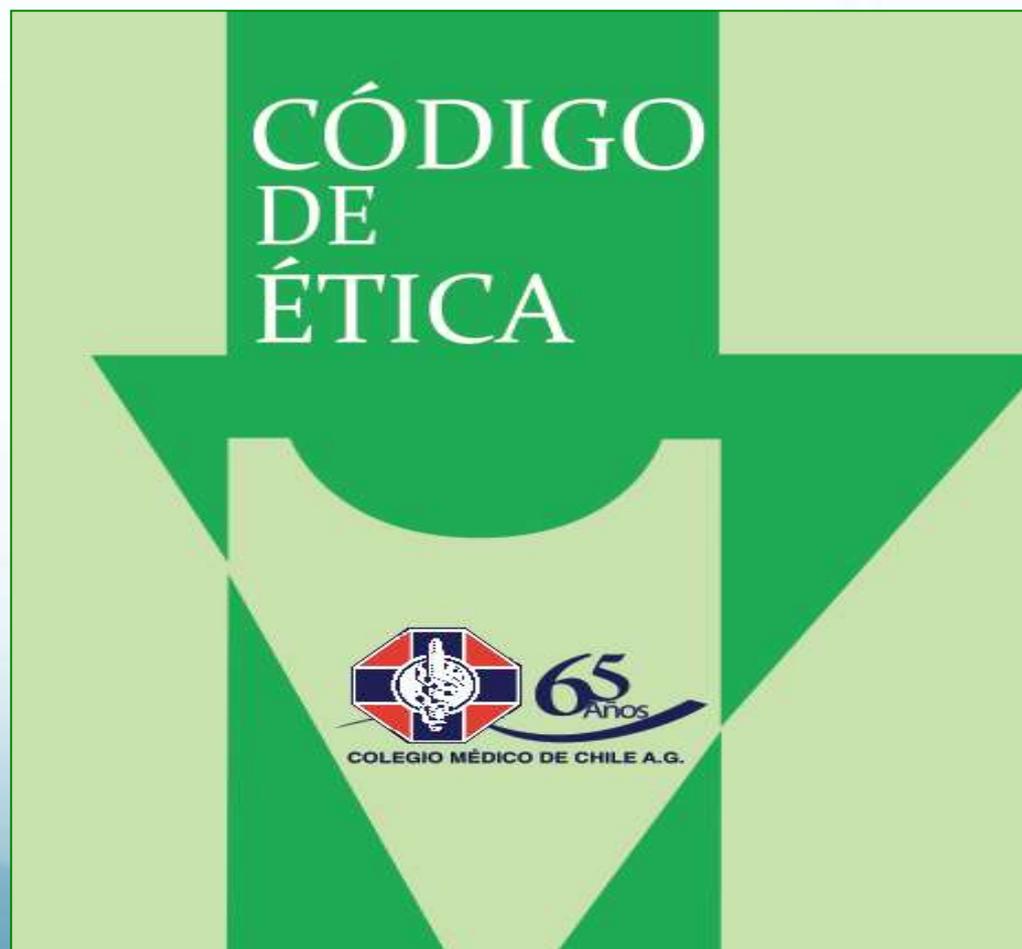
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Código de Ética del Colegio Médico de Chile





DIFERENCIAS E INTEGRACION CONSTATAACION LESIONES SU CONSTATAACION LESIONES EN MARCO DDHH PROTOCOLO DE ESTAMBUL



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

Protocolo de
Estambul

Informe Médico de
Lesiones en el
Marco de los
DD.HH

Constatación de Lesiones



Departamento de Derechos Humanos
Colegio Médico de Chile

PROPOSITOS Y METODOLOGIA DEL PRESENTE CURSO



Modalidad: Cápsula Educativa Online.

Organizadores:

Departamento de Derechos Humanos del Colegio Médico de Chile
A.G.

Directores del Curso:

Dr. Waldo Wilkinson Smith, Médico, Miembro Departamento de
DD.HH del COLMED.

Dr. Enrique Morales Castillo. Médico, Presidente del Departamento
de DD.HH del COLMED.



Fundamento del Curso:

En relación a la alta connotación pública que han tenido los casos de violación a los DD.HH. En Chile, tras el Estallido Social iniciado el 18 de octubre del 2019, el Departamento de Derechos Humanos del Colegio Médico de Chile A.G. Organiza el presente curso, que servirá como insumo para que los distintos profesionales puedan realizar Informes Médicos de Lesiones en el Marco de los Derechos Humanos.



Objetivo General:

Permitir por medio del presente curso la entrega de: información, contenidos, aplicaciones y metodología, basado en riguroso marco regulatorio, en el cual deben realizarse Informes Médicos de Lesiones en el Marco de los Derechos Humanos.

Destinatarios: Médicos y otros profesionales afines a la Pericia Médico Legal y de DD.HH.

Costo: Gratuito.



Metodología:

- Etapa 1: Elaboración de Cápsulas Educativas Online, grabadas vía streaming, de como máximo 15 minutos (2200 palabras aproximadamente) de duración de exposición, con formato PowerPoint, en donde se expondrán ideas claves del tema a tratar.
- Etapa 2: estarán disponible las Cápsulas Educativas por temas desde el día jueves 5 de diciembre de 2019, terminando de subirse el día viernes 6 de diciembre de 2019. Tipo: expositiva vía streaming, por Médicos y otros profesionales afines, con experticia en la Pericia Médico Legal y de DD.HH.
- Etapa 3: hasta el día 10 de enero de 2020 se habilitara el siguiente correo electrónico: cursoinformemedicodelesiones@gmail.com para responder dudas y/o consultas de los participantes, que serán respondidas por el equipo organizador.



C o n t e n i d o s

N° de Cápsula	Tema	Expositor
1	Presentación del Curso Elaboración de Informe Médico de Lesiones	Dr. Waldo Wilkinson Smith, Médico, Miembro Departamento de DD.HH del COLMED. Dr. Enrique Morales Castillo. Médico, Presidente del Departamento de DD.HH del COLMED.
2	Marco Legal y Regulatorio en la Elaboración de Informe Médico de Lesiones	Abogada Erika Maira Bravo, Gerente de la División de Víctimas y Testigos de la Fiscalía de Chile.
3	Setting, Encuadre y Formalidades en la Elaboración de Informe Médico de Lesiones	Dr. Waldo Wilkinson Smith, Médico, Miembro Departamento de DD.HH del COLMED. Dr. Enrique Morales Castillo. Médico, Presidente del Departamento de DD.HH del COLMED.
4	Consentimiento Informado y Estructura del Informe Médico de Lesiones	A.P Rosa Villa Fernández, Miembro Adjunto del Departamento de DD.HH del COLMED. Dra. Ana Tania Toro Cepeda, Médico, Miembro Departamento de DD.HH del COLMED.
5	Relato del Paciente	Dr. Waldo Wilkinson Smith, Médico, Miembro Departamento de DD.HH del COLMED.
6	Lesionología	Dra. Patricia Negretti Castro, Médico, Perito Lesionología Servicio Médico Legal.
7	Acciones Vulnerativas de Derechos Humanos y Diagnóstico Médico	Dr. Enrique Morales Castillo. Médico, Presidente del Departamento de DD.HH del COLMED.
8	Consideraciones del Compromiso en la Esfera Psicológica	Psicólogo Ignacio Carrasco Herrera, Miembro Adjunto del Departamento de DD.HH del COLMED. Psicóloga Cynthia Díaz Romero, Miembro Adjunto del Departamento de DD.HH del COLMED.
9	Abordaje del Abuso Sexual en el Informe Médico de Lesiones	Dra. Paulina Troncoso Espinoza. Médico, Gineco-Obstetra, Ginecóloga Infanto-Juvenil, Fellow IFEPAG.
10	Consideraciones de Género en la Evaluación Pericial	Dra. Francisca Crispi, Académica Escuela de Salud Pública, Universidad de Chile, Presidenta Departamento de Género y Salud del COLMED.



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

Según Amnistía Internacional en pleno siglo XXI la tortura sigue siendo

- una práctica ocupada en más de 100 países de todo el mundo como método de interrogación

Castigar, degradar y humillar a las personas es forma de tortura psicológica, se trata de ocupar los miedos, tabúes religiosos o sexuales de los detenidos para aumentar la presión y lograr que se derrumben.

- Además lleva implícita cierto grado de impunidad, ya que no deja huellas visibles y aunque provoca secuelas permanentes en la víctima es difícil de demostrar en un tribunal



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

La definición legal de la tortura pide

Que se acredite que es algo intencional

Es difícil de demostrar

Demostrar que provoca un sufrimiento físico psicológico severo

¿Que es severo?

Demostrar que hay una motivación que es obtener información auto - inculparse castigo humillación, discriminación

¿Cómo demostramos que pasa por la cabeza en la persona que perpetra la tortura?



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

Protocolo de Estambul:

- ✓ Manual de consenso para la investigación y documentación de la tortura y los malos tratos,
- ✓ Es adoptado en 1999 por la asamblea de la ONU,
- ✓ El protocolo representa punto final de un proceso de convergencia de trabajo de alrededor de 80 organizaciones por varios años,
- ✓ Lográndose consensuar un documento común,
- ✓ Hay versiones en prácticamente todos los idiomas,



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

Protocolo de Estambul:

- ✓ Existen varios paquetes formativos modulares de días y semanas,
- ✓ Hay materiales de formadores y hay guías para médicos, psicólogos y abogados,
- ✓ La víctima está en el centro del proceso,
- ✓ Guía clara y estructurada de cómo hacer el informe pericial,
- ✓ El protocolo establece algunos criterios pioneros para poder hacer un análisis de credibilidad de tortura,
- ✓ Para muchas víctimas constituirá el único elemento probatorio que puedan aportar en un juicio,



¿Por qué documentar Tratos Crueles, Inhumanos, Degradantes y Tortura?

Protocolo de Estambul

- ✓ Se ven los hechos y como se pueden tipificar estos en consecuencias
- ✓ Lo mas importante -> hace un análisis de credibilidad de las alegaciones
- ✓ Para muchas personas no hay nada más que el Protocolo de Estambul
- ✓ Es una documentación muy exhaustiva, tomando evidencia desde muchos orígenes para finalmente poder afirmar con alto nivel de convicción que eso que está contando la víctima es cierto