

AG/RES. 1022 (XIX-O/89)

REPORTS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

(Resolution adopted at the ninth plenary session,
held on November 18, 1989)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Inter-American Commission on Human Rights (AG/doc.2418/89) and the special report on the situation of human rights in Panama (AG/doc.2454/89); and

CONSIDERING:

That, in the Charter of the Organization of American States, the member states have declared that respect for the fundamental rights of the individual, without distinction as to race, nationality, creed, or sex, is one of the basic principles of the Organization;

That the main purpose of the Inter-American Commission on Human Rights is to promote the observance and defense of human rights in all the member states and, in the case of the states parties to the American Convention on Human Rights, to see to the observance of the human rights enshrined in that instrument;

That a democratic structure is an essential element for establishment of a political society wherein human rights can be fully realized;

That it is the obligation of the American states to hold free elections, in accordance with the provisions of the American Declaration of the Rights and Duties of Man, the 1959 Declaration of Santiago, and the American Convention on Human Rights;

That, in its Annual Report, the Inter-American Commission on Human Rights has stressed the return to representative democracy in a number of states, and the measures adopted in other countries to establish or restore the system of representative democracy, which constitute significant contributions toward observance of the rights contained in the American Declaration of the Rights and Duties of Man and in the American Convention on Human Rights;

That, despite the foregoing, the Annual Report of the Commission points out that serious violations of basic rights and freedoms persist in certain countries;

That, in its Annual Report, the Commission has also made reference to the progressive development and codification of the international law governing human rights and has proposed several measures intended to strengthen and encourage that process; and

That the Commission has proposed that, in 1992, on the occasion of the celebration of the Quincentennial of the Discovery of America: Encounter of Two Worlds, a legal instrument be adopted in regard to the human rights of the Indian peoples,

RESOLVES:

1. To receive, with great interest, the Annual Report and the recommendations of the Inter-American Commission on Human Rights, as well as its special report on the situation of human rights in Panama, and to express appreciation and congratulations for the serious and vital work it is doing in the area of the protection and promotion of human rights.

2. To strongly urge the governments mentioned in the Annual Report to espouse the corresponding recommendations of the Commission in accordance with the requirements of their constitutions and domestic legislation, in order to guarantee faithful observance of the human rights set forth in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights.

3. To express its concern over the persistence of serious violations of basic rights and freedoms in several countries of the region, particularly of cases that infringe upon the full effectiveness of the civil and political rights recognized in the American Declaration of the Rights and Duties of Man and in the American Convention on Human Rights.

4. To express its support for and solidarity with the sister people of Panama and to express its grave concern over the serious violations of basic rights and freedoms in Panama, especially the full effectiveness of civil and political rights as noted by the Commission in its special report on that country presented to the General Assembly at this session.

5. To reiterate to those governments that have not yet reinstated the representative democratic form of government the urgent need to implement the pertinent institutional mechanisms, consistent with the circumstances and characteristics of each country, to restore such a system in the shortest possible time through free, genuine, and pluralistic elections by secret ballot, without outside interference, since democracy is the best guarantee of the full exercise of human rights and is the firm foundation of solidarity among the states of the hemisphere, and of the preservation of the regional American system based on the existence of democratic, pluralistic, and representative states.

6. To recommend to the governments of the member states that they grant the necessary guarantees and facilities to enable nongovernmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and person of the leaders of such organizations.

7. To energetically condemn the practice of forced disappearances as a crime against humanity and the use of torture as an abomination that is an affront to the very nature of the human being.

8. To take note of the comments and observations received from the governments of the member states and of the information received on the measures that they have taken and will continue to implement in order to better ensure the observance of human rights in their countries.

9. To note with satisfaction the decision of the governments of the member states that have invited the Commission to visit their respective countries, and to urge the governments of the states that have not yet agreed to or set a date for such visits to do so as soon as possible.

10. To recommend to the member states that are not parties to the 1969 American Convention on Human Rights "Pact of San José, Costa Rica" that they ratify or accede to that instrument; in the case of those states that do not recognize the competence of the Inter-American Commission on Human Rights to receive and examine international communications pursuant to Article 45 (3) of the Convention or that do not accept the compulsory jurisdiction of the Inter-American Court of Human Rights, in accordance with Article 62 (2) of the aforementioned Convention, that they do so.

11. To recommend to the Inter-American Commission on Human Rights that it begin a study on the practical observance of the rights included in the American Convention on Human Rights and of the legal obstacles to the application of that Convention; on the impediments to the enjoyment of those rights; on the advisability of including new rights, both individual and collective, and on the possibility of modifying the present procedures and mechanisms in the Convention to make them more effective so as to ensure better protection of human rights.

12. To recommend to those states that have not yet done so that they ratify or accede to, as the case may be, the Inter-American Convention to Prevent and Punish Torture and the Additional Protocol to the American Convention on Human Rights in the area of economic, social, and cultural rights "Protocol of San Salvador."

13. To request the Inter-American Commission on Human Rights to prepare a juridical instrument relative to the rights of the Indian peoples, for adoption in 1992.

14. To encourage the Inter-American Commission on Human Rights in its sustained effort to defend human rights in the region, for which it enjoys the resolute support of the democratic governments of the Organization.

15. To recommend to the Inter-American Commission on Human Rights that it begin a study on the measures necessary to enhance the autonomy, independence, and personal integrity of the members of the judicial branch so that they may investigate violations of human rights properly and perform their functions to the fullest.

16. To declare that the best guarantee of human rights is effective exercise of representative democracy.