



FORTY-SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES

SUMMARY OF THE CONVERSATION BETWEEN THE SECRETARY GENERAL AND CIVIL SOCIETY

Cochabamba, Bolivia – June 2, 2012

The Conversation between the OAS Secretary General, José Miguel Insulza, and civil society served as an open forum where representatives of civil society organizations and other social actors shared and exchanged their ideas, reflections and proposals about the topics on the hemispheric agenda, as well as their recommendations on the initiatives that the Organization carries out.

Ambassador Alfonso Quiñonez, Secretary for External Relations, and Mr. Jorge Sanín, Director of the OAS Department of International Affairs, were present during the meeting. Furthermore, over 135 representatives of 83 civil society organizations from 23 countries participated in the meeting, in addition to representatives of the Member States, Permanent Observer countries, and the OAS General Secretariat.

Ambassador Alfonso Quiñonez welcomed those present and reminded them of the evolution of the event over the years, reaffirming the commitment that the Secretary General has shown to providing an open forum to hold conversations with civil society and other social actors, prior to the inauguration of the General Assembly.

The Secretary General commented that this conversation is the result of the limited time that the Ministers of Foreign Affairs and Heads of Delegation of the Member States had for a dialogue, and that it sought to be less regulated, and more fluid and concise. Pleased with the number of organizations present, he expressed his gratitude to the participants for being in Cochabamba and recognized the great influx of organizations that were present in Cartagena for the Sixth Summit of the Americas as well. The Secretary General reiterated his disposition and that of the OAS to listen to the proposals and recommendations of civil society organizations (CSOs) and assured that civil society has a great influence in the Organization, that its recommendations are taken into account by the Member States, and that many of them are seen reflected in the resolutions and documents adopted by the OAS. The Secretary General concluded his opening remarks, and offered the floor to the civil society representatives.

Mr. Germán Rincón Perfetti, from the Coalition of Lesbians, Gays, Bisexuals, Transgender, and Intersexuals of Colombia, stated the concern of civil society in relation to the budget of the Inter-American Human Rights System (IAHRS), comparing the 5% of the budget the OAS allocates to this justice system, with the 40% of the European Human Rights System. He asked the Secretary General what recommendations could be made to Member States and possible strategies to increase this percentage. He recognized how comforting the IAHRS has been towards this sector of the population, even though there are still challenges by some Member States concerning the decisions that are taken. The representative concluded his intervention, referring to the threat to human rights from the perspective of religious groups and requested the IAHRS to look into the matter.

Mr. Maurice Tomlinson, of the Coalition of Caribbean LGBTI Organizations: Jamaica Forum of Lesbians, All-Sexuals and Gays, Coalition Advocating for the Inclusion and Sexual Orientation, Society against Sexual Orientation Discrimination (SASOD), United Belize Advocacy Movement (UNIBAM), voiced his concern because, after five years of participating in the dialogues, and after the adoption of four resolutions supporting the human rights of LGBTI citizens in the Caribbean, there are still laws (in Belize and Trinidad and Tobago) that prohibit the entrance of homosexuals, and in Guyana, that order life sentences to adults of the same sex who have consensual sexual relations. He inquired about the possibility of the Secretary General convening an urgent meeting with the leaders of the Caribbean and LGBTI activists to discuss the impact of these policies and laws (assassinations, abuses, among others) and implement the adopted resolutions.

Ms. Mirta Moragas, representative of Aireana Grupo por los Derechos de las Lesbianas and the Campaign for an Inter-American Convention on Sexual and Reproductive Rights, expressed her concern for these rights, highlighting the high maternal mortality rate in the region (linked to unsafe abortions), hate crimes due to sexual orientation and gender identity, and femicide. She proposed the creation of a working group within the OAS to conduct a comprehensive diagnostic on the situation of sexual and reproductive rights in the region and the approval of a resolution on an Inter-American Convention on Sexual and Reproductive Rights.

Mr. José Henrique Rodrigues Torres, from the Asociación de Jueces para la Democracia (Brazil), shared his discomfort with the flexibility in which the reforms of the Inter-American Human Rights System (IAHRS) are being framed, because he stated that making the system more flexible means making the guarantees and rights more fragile from a juridical standpoint; and therefore constitutes regression. He considered that the instruments of repression and oppression must be limited, and the mechanisms for the protection of human rights must be broadened. He reaffirmed his confidence in the General Assembly and his certainty that the Heads of Delegation would not be lured by the discourse of normative formalism that seeks to eliminate the autonomy of the Inter-American Commission and Court of Human Rights and halt social movements.

Mr. Eduardo Khon from B'nai B'rith International recalled that the Draft Inter-American Convention against all Forms of Discrimination and Intolerance has been in discussion and worked on for eight years, and that there have been several proposals and changes from the governments and from civil society; nevertheless, there are currently signs that suggest that the Convention will not be adopted due to the position by some governments that there are sufficient texts approved within the framework of United Nations. In a Latin American context where there are high rates of all forms of discrimination and where not all countries have anti-discrimination laws, he asked if the General Secretariat believes it is necessary to continue with the efforts to achieve the approval of this draft Convention.

Mr. Gastón Chillier from the Centro de Estudios Legales y Sociales (CELS) commented that several CSOs that work in the area of human rights are very worried because the draft resolution “Follow-Up on the Recommendations Contained in the “Report of the Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a View to Strengthening the Inter-American Human Rights System” was not closed. He also stated that there are several topics that need to be discussed to improve the functioning of the IAHRS organs, specially the Inter-American Commission on Human Rights (IACHR). He alluded to the seminar organized by the IACHR in Washington, where the issues related to precautionary measures were discussed. He added that to improve the IACHR, it is necessary to fully respect the autonomy and independence of the Commission, and mentioned a letter

signed by over 20 CSOs in response to the preliminary report of the Secretary General, where he recommends reforms to the Statutes of the IACHR, because reforms to precautionary measures are worrisome, which would affirm that they have no normative legitimacy and that the final word falls in the hands of the OAS' political organs without the Commission's input. In this context, he suggested that lacking consensus among Member States as to which reforms should be implemented, a reform in the hands of the political organs is counterproductive and risky. He concluded by inquiring what the expectations of the General Secretariat were on the mentioned draft resolution that is being discussed, and whether there were still operative paragraphs on the reform that were not included in the draft.

Ms. Dora Aparecida Martins, from the Associação Juízes para la Democracia de Brasil, made her presentation on behalf of the indigenous peoples of Brazil, mainly those from the *Guaranies Cayoas* from *Mato Grosso do Sul*, who she indicated are starving, and show high indices of anemia and malnutrition. She recognized the importance of the topic of food security in the framework of the General Assembly, as Brazil is very proud of its development toward the future, but forgets its indigenous peoples and poorest populations. In this regard, he asked the Secretary General to shed light on the reforms to the System, particularly those regarding judicial certainty and precautionary measures which are very important, because, without them, some indigenous people on their way to *Belomonte* and *Río San Francisco* would be exposed to all sorts of uncertainty. For this reason, it is important for the Commission and the Court to guarantee the security of these populations.

The **OAS Secretary General, José Miguel Insulza** responded to the first interventions from CSOs and organized his comments around three main topics: sexual orientation and gender identity, the Inter-American Human Rights System; and precautionary measures.

Regarding the topic of **sexual orientation and gender identity**, which is also related to the Draft Inter-American Convention against Racism and all Forms of Discrimination and Intolerance, the Secretary General held that from the OAS' point of view, the Convention has not been abandoned and that the Organization has full willingness to advance on the matter. However, he stated that there have been several problems concerning the basic concepts of the Convention, and that as stated by the Caribbean civil society representative, forms of discrimination towards people of different sexual orientation and gender identity still persist in some countries. He added that the development of the Convention has been halted due to discrepancies among Member States, and that although there are resolutions on this topic in other international organizations, in comparison to the others; the OAS draft document includes the discussions that are relevant to the region. He maintained that the Convention is necessary, to complement others that address specific topics, and although it is worth discussing, he is concerned that only a few countries have made significant advancements on topics related to LGBTTTI groups, but even more so because jail sentences or worse still exist for people with a certain sexual orientation. The Secretary General reassured that there is a full will to advance on the Convention as a whole, but that this would not be done at the cost of completely dismissing the possibility of advancing in one aspect of the Convention.

On this same line, Secretary General Insulza stated that advancements are urgently needed in other aspects of discrimination, especially ethnic, religious and racial discrimination. He proposed convening a specific meeting to address the topic of the Convention and to discuss what options interested CSOs can offer to overcome the obstacles to the negotiations of this Draft Convention.

With respect to the **Inter-American Human Rights System**, the Secretary General reminded the participants that there are important points of consensus that have not been lost, and that these should

be defended from four perspectives. First, a reform should be comprehensive, and not only seek to have a small number of states (13) that do not belong to the IAHR be part of it, because all 35 countries are linked to the IACHR, but only 22 have signed and ratified the American Convention on Human Rights, recognizing the jurisdiction of the Court. He recognized that this is a weakness of the System. He provided the example of the hydroelectric power plant of Belomonte and said that the Commission can take the case to the Inter-American Court of Human Rights because Brazil has ratified the Convention, but if this were happening in a country in North America, the same could not be done, and this weakens the System. He argued that there is no real compliance with the precautionary measures in the System, because since not all countries are bound by them, the others ignore them as well. He proposed strengthening the work between CSOs, the OAS General Secretariat, the Commission and the Court.

Secretary General Insulza also referred to the budget and financing of the IAHR and assured that the Commission receives US\$5 million of the Organization's budget, in addition to equal contributions by other Member States, and the Court receives approximately US\$6 million dollars from both sources. He commented that it is impossible to think that these bodies could be financially self-sufficient because, if they are behind today, this means that the budget is insufficient and doubling the resources allocated by the Organization to the IAHR, would imply a reallocation of resources and an end to other programs. The Secretary General expressed his hope to increase the budgets of the IACHR and the Court by US\$500,000 each, and that this amount may continue to grow in the future. He said that one of the goals is to have the expenses of the Commission included in the general budget of the Organization.

The Secretary General commented that everyone wants to see compliance with the Commission's recommendations, as well as Member States' compliance with the Court's judgments. He acknowledged that this is a problem as there are still many open matters and it should be a priority for Member States to advance in this regard.

Lastly, the OAS Secretary General stated that the Commission and the Court must have the autonomy that is granted to them in the Convention in order to be able to carry out their functions and come to resolutions without the intervention of any Member States. He reiterated that to obtain the abidance and participation of those countries that do not participate in the IAHR, an understanding between the Member States and the human rights organisms is needed, for which the human rights community should participate and contribute to the discussion to reach an understanding.

On the subject of the flexibility and judicial certainty, he commented that the concept of flexibility is not used in courts, yet the judges are flexible when issuing sentences on many occasions. He explained that the Commission is not a tribunal; it hears cases, but it has the resources and means that are more conducive to flexibility, according to its norms and new strategic plan that allow it to seek friendly settlements and hold a dialogue with the States. He suggested that such dialogue needs to occur, and that once the Commission receives a case, there should be a quick response time. He stated that, at the heart of the discussion, what is asked is for the Court to act like a court and for the Commission to act less like a tribunal and more as a facilitator to seek solutions to human rights problems among Member States.

In regards to **judicial certainty and precautionary measures**, the Secretary General shared an anecdote of when only 10 days in his position at the OAS, the President of Ecopetrol and the Ambassador of Colombia came to visit him to discuss the discovery of oil fields on lands inhabited by indigenous peoples. They did not wish to have a conflict so they requested the Commission's advice to be able to conduct their activities without violating any national or international norms that may apply. The IACHR

declined because the topic could eventually make its way to the Commission, by means of a protest, and if the Commission had already pre-judged the case, it would not be able to make a ruling because there was no norm in this regard. He maintained it is necessary to advise governments on how to comply with the norms in the event that they have any uncertainty about a possible violation, thereby ensuring a greater judicial certainty. He added that the IAHR must have clear norms about what constitutes a violation and what does not so that States know how to proceed. He clarified that on topics of life, physical integrity, and personal freedoms, there is no doubt that precautionary measures must exist; however, the need for clarification is valid on more controversial topics. He observed that the IAHR is one of the best bodies of the OAS and that the Organization will not throw it overboard due to a major or minor disagreement.

Following the Secretary General's responses, the forum was once again opened to the civil society representatives. Mr. **Franklin Santander from World Vision International** recommended to the Secretary General promoting the participation of children and youth networks and expressed his appreciation for the opportunity to participate in the forum, as it is of great importance to offer recommendations to improve the health conditions of children and adolescents.

Mr. **Renzo Pomi from Amnesty International** was grateful for the opportunity to participate in the dialogue with the Secretary General, and recognized the honesty in his answers. He agreed with some of the Secretary General's observations, particularly in regards to the universalization and funding of the IAHR. He underscored that during the last 50 years, Amnesty International has worked for the rights of the people alongside other organizations in the hemisphere. He acknowledged that the work of the Inter-American Commission and Court of Human Rights have served as a guide and an essential support for the human rights defenders of the world. He called for respect to the autonomy and independence of the System, particularly of the IACHR, and asked that the considerations and recommendations that emerge from the dialogue be viewed simply as recommendations, since he argued that some of the observations could strengthen and others could damage the System. He said his organization is open to discuss the topic of reform to the Statutes of Procedure of the Commission, and referred to press releases and news clips in which certain Member States attack the Commission, Commissioners and Judges of the Court, States that have threatened to create parallel human rights mechanisms and withdraw from the IAHR. He stated that, for this reason, Amnesty International considers that a reform to the statutes would be dangerous for the human rights of the citizens of the Americas.

Next, Mr. **Jorge Gómez from Young Americas Business Trust** mentioned that every human being requires almost 1500 cubic meters of freshwater a year, and commented on the amount of water required for agriculture and food production. In reference to the theme of the General Assembly "Food Security with Sovereignty," he suggested that there needs to be a more comprehensive water management. He requested the OAS, through the actions carried out by young entrepreneurs and the actions of the Member States, to certify and evaluate the freshwater reserves in the continent.

Mr. **Camilo Mejía, from the Comisión Colombiana de Juristas**, referred to the issue of precautionary measures, and stated that they are a mechanism they is open for improvement so it may fulfill its purpose of protecting people from irreparable harm, and he recommended the need to discuss different options to strengthen this mechanism. He reiterated the concern of several CSOs with respect to the proposal to reform the statutes of the Commission, particularly since there is a lack of consensus among the States regarding precautionary measures, he expressed his concern that the States that do not recognize the mandatory nature of the mechanisms are pushing the reform proposal. Additionally, he noted that precautionary measures are not formalized in the practices of the statute, and therefore he

invited the Member States to conduct a study to gain a better understanding of the workings of the Commission. He proposed increasing the budget for the Commission staff responsible for the analysis of precautionary measures.

Ms. **Camila Zabala Peroni, from Aireana Grupo por los Derechos de las Lesbianas**, gratefully recognized the OAS' commitment to the creation of an Inter-American Convention against Racism and all Forms of Discrimination and Intolerance, and called upon Member States to participate in the campaign. She stressed that discrimination against women for their sexual orientation is not the same as discrimination against men, stating that lesbians and bisexual women live a different form of discrimination that starts at the family, and includes physical and psychological abuse and forced marriages.

Ms. **Johana Esmeralda Ramírez, representative of the Mesa de Trabajo Nacional de las Poblaciones Clave (MTN)**, thanked the OAS for recognizing gender identity and requested that the political bodies that are part of the Organization support the recognition of gender identity, especially in the context of the Universal Civil Identity Program in the Americas (PUICA).

Ms. **Astrid Puentes Riaño from the Inter-American Association for Environmental Defense (AIDA)**, offered remarks with respect to the central theme of the General Assembly, and inquired about the role of the OAS in the actions and effective measures in relation to food sovereignty and the impact of climate change on various rights, such as the right to food. She commented that the hemisphere is vulnerable at the global level to the effects of climate change and expressed her congratulations for the draft resolution on the right to water.

The **Secretary General José Miguel Insulza** addressed the forum for a second time to respond to the interventions by CSOs representatives.

On the topic of **children and adolescents**, the Secretary General mentioned that the Inter-American Children's Institute (IIN) is organizing a network of organizations that work in these topics in the Americas.

Regarding the **right to water**, Secretary General Insulza pointed out that the topic was already included in the Declaration of Cochabamba and that the issue of **food security** was still being discussed. He explained that North and South America share a common characteristic: they are the two subcontinents with the largest food surplus in the world. He underscored that although the region produces sufficient food for all its inhabitants and enough to export to other regions in the world; it is a paradox that hunger still exists in the Americas. He emphasized that the problem does not lie in the production, but rather in the distribution; he noted that the hemisphere has a group of countries that stand out for the amount of food they produce, and for the levels of agricultural specialization.

On the topic of **indigenous peoples**, the Secretary General shared the views of the CSOs that work on the matter and expressed his hope that efforts can be made to move forward with the mentioned Declaration. He added that this is a topic that has been evolving within the Organization and thanked the Bolivian indigenous organizations for their remarks.

In relation to **reforms to the IACHR**, the Secretary General expressed that he is aware of the infeasibility of the reforms to the statutes without the consensus of the Member States. He commented that no reforms will take place without consensus, and that a group of countries will not impose the reforms on other States because the majority of the States prefer to dialogue and consult these topics with the

Inter-American Commission on Human Rights. He clarified that there is no risk, as there must be a consensus between States for the reforms to happen, and that the danger of the statutory reforms has been blown out of proportion. Touching on the subject of IAHR budget, he expressed his interest in the IACHR having sufficient resources to carry out all of its tasks, but commented that there are not enough funds to increase the Commission's budget by a significant percentage. In addition, he mentioned that all of the resources come from the OAS' budget and manifested his disagreement with the proposal of some Member States to mobilize resources from the private sector to finance the main activities of the Inter-American Human Rights System, as this is the obligation of the Member States.

With respect to the **IACHR Rapporteurships**, Secretary General Insulza assured that these are key mechanisms for the System, yet in many occasions they lack the funds to carry out their work. He added that he would like to be able to allocate more funds to the Rapporteurship on the Rights of Persons Deprived of Liberty, in particular, since this constitutes a scourge for human rights. The Secretary General mentioned that he does not agree with those who suggest that if a donor wants to contribute to a Rapporteurship, that it should contribute to all of them and later divide the funds equally, since we should not undermine the work of one rapporteurship for another. He asserted that it is a fallacy that one or two States finance and control the rapporteurships, and pointed out that many of the funds come from external donors, such as the European Union, Spain, Ireland and Finland, among others.

On the subject of the recognition of gender identity by governments, that so far has only been seen in a couple of countries (United States and Argentina) and not in others due to religious reasons, and other matters. He clarified that the OAS General Secretariat can only work in the space given, working around its mandates, but that it will continue insisting on working on this topic and present it to the countries.

The floor was offered once again to the civil society representatives, beginning with Ms. **Mary Marca from the Campaign for an Inter-American Convention on Sexual and Reproductive Rights**, a network that comprises over 100 organizations from the Americas that have witnessed many violations to sexual and reproductive rights, abortions and high maternal mortality rates, due to a lack of programs and laws that allow for supplying contraceptives or protect the right of women to decide freely on their body, the number of children they wish to have and contraceptive methods. She emphasized the lack of legislation to sanction sexual violence. Ms. Marca added that in the framework of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belem do Para," it is important for the OAS to promote a convention that defines laws so that States implement programs on the topic, including sex education programs based on science.

An indigenous representative from the **Yarú Nation**, started his intervention by playing a typical indigenous song on a flute and pointed out that his people come from an ancient culture of science by observation, that is currently disappearing and is discriminated when they try to access their lands in a van to Machu Picchu, which has been declared a cultural heritage site. He stated that his people fear that once other areas are also declared cultural heritage sites, their access will similarly be denied to these places where they cultivate their food. He stated that it is inexplicable how a people with such a high level of production today could have people who suffer malnutrition and are dying from hunger. He rejected colonization.

Mr. Hugo Tacuri Huamaní from the Confederation of Indigenous Nationalities of Peru (CONAIP - Perú) affirmed that ancient indigenous peoples have been made invisible since there are spaces for participation by civil society organizations in the OAS General Assembly, but there are no spaces of the indigenous nations of the Americas. He requested a formal space for indigenous peoples where they can

suggest alternative policies in favor of the countries of the Americas. He spoke about the right to life and made reference to the extractive industries of Peru who take the lives of many who try to resist and defend their rights as these companies enter indigenous territory.

Ms. Alejandra Nuño, from the Center for Justice and International Law (CEJIL Mesoamérica), thanked the Organization for providing such a relevant space and commented about the compliance with the resolutions by the organs of the Inter-American Human Rights System, she reiterated that once States comply with the structural issues that have been resolved by the Commission and the Court, this would be a good way to prevent the continued presentation of petitions to the IAHRs. She asked the Secretary General what civil society could do, and what the OAS could do to demand a greater commitment from the Member States. She added that CEJIL represents thousands of victims of human rights violations who never found justice, many of whom have minimal resources. She reasserted the need for OAS organisms and other organizations to provide technical assistance and promote human rights, and she recommended that such assistance should be offered to civil society victims with lesser resources rather than to other actors like the extractive industries, who have sufficient budgets to cover their own lawyer costs.

Mr. Julio Rojas Llanos, from the Asamblea Permanente de Derechos Humanos de Bolivia, recalled the dictatorships in the continent since 1964 that resulted in thousands of political prisoners, exiles, disappearances and the death of many people, and added that despite international organizations having adopted resolutions in the wake of these crimes, these resolutions are not complied with in Bolivia (particularly the law 2640/2004). Victims are still awaiting a just law, because so far the laws in Bolivia do not compare to those in other countries in the region on the same matter. He held that the current administration does not provide the guarantees that the promised and are allowing dictators to go unpunished.

Ms. Katya Salazar, from the Due Process of Law Foundation, questioned the role of the Commission on and stated that there are different perspectives between CSOs and the OAS, and therefore emphasized that the Commission should prioritize the role of protection and remind States of the violations they are committing. In addition, she shared the evaluation of the human rights debate in the IAHRs and asked what the OAS General Secretariat's role is with respect to the suggestions by some States to change or even eliminate the Commission.

Alluding to the topic of the children, **Ms. Cecilia Nava de Ayllón** and **Ms. María Luisa González de López from the Alliance of Pan-American Roundtables** underscored the malnourishment of many children. In the current context (change in the planet's population and climate change), they proposed that States should develop short-term policies to solve the food needs of the region and incentivize growth in food production in order to generate and preserve the welfare of the population. They suggested the creation of an agricultural model that includes families in various training programs for production, productive schools in most vulnerable areas to improve nutrition and increase income, development of government policies to grow the agricultural sector, food programs, halting migration from the countryside to the city, protection of environmental diversity and promotion of food security through consumption of locally-produced goods.

Ms. Marlene Gillette from the Centro Guadalupe Vida y Familia referred to sexual and reproductive health and noted that in countries where abortion is prohibited, maternal mortality rate is low, whereas the opposite occurs in countries where it is legal. She held that good diet and proper nutrition are necessary for pregnant women.

For his part, **Mr. Adolfo Moya Rosendy** of the **Confederación de los Pueblos Indígenas del Oriente Boliviano** stated that his organization is interested in the development plans of the States, but is concerned that during this process the rights of indigenous peoples might be violated. He also reiterated his concern because the issue of food security translates into a capitalist mass production approach that harms territories and causes displacement. He cited the example of the construction of a highway through the indigenous territory of Isiboro Secure and the resistance of the people for over a month. He stressed that there must be guarantees of the territories, as people without land, have no life.

The **OAS Secretary General** informed that he would be meeting with Mr. Moya and other representatives of organizations with the same concerns that same afternoon, so he requested the CSOs to not expand on the topic.

Mr. Mario Flores Pastelín from **Servicio de Promoción Integral Comunitario Juvenil (SEPICJ)** shared his thoughts on the subject of youth and indicated that there is no clarity from the States to address the problems that affect young people, such as insecurity, education, food and participation of new generations as subjects of law. He drew attention to the issue and requested its inclusion in the States' agendas. Regarding the topic of food security and sovereignty, he requested not to forget the relationship between the right to food and the right to health, and that it should not only be treated as an opportunity to confront the global food market but also as part of the nutrition of the people.

Mr. Johnny Fernando Cárdenas España, from the **Foro Boliviano sobre Medio Ambiente y Desarrollo (FOBOMADE)**, spoke about indigenous peoples and commented that food sovereignty threatens their territories. He added that development and progress are being prioritized over the respect for rights by destroying jungles to build urbanized areas.

Mr. Óscar Alba Salazar from the **Instituto de Estudios Internacionales de Bolivia (IDEI-BOLIVIA)**, representing 30 professors of international public and private law, expressed their concern about higher education in Bolivia and the continent, as the separation between the State and public universities is notorious. He requested support for his organization's work in medium-sized cities.

During his intervention, **Mr. Carlos Reyes** of the **Asociación de Jueces por la Democracia de Honduras** held that the coup d'état brought grave consequences to democracy in his country and in the hemisphere, and that judicial and collective organizations that represent human rights defenders in Honduras face persecution. He commented that of the four judges that were fired, only one has been reinstated. He argued that Honduran State has not been capable of complying with the recommendations emitted by the Truth Commission or the Inter-American Commission on Human Rights. He added his concern for the violations to the rights of persons deprived of liberty, and provided the example of the Penitentiary of Comayagua, where 377 people lost their lives, as well as the 108 that perished in the Detention Centre of San Pedro Sula, and the 67 in the Penitentiary Centre Litoral Atlántico. He asked the Secretary General to intercede in the resolution of this conflict that endangers the judges of Honduras and those seeking justice.

The OAS Secretary General responded to the remarks and agreed with the civil society proposals on the topic of **gender identity**; he reiterated that the Organization is working on the adoption of a Convention on Sexual and Reproductive Rights. He commented that several Member States have programs that address reproductive rights in a comprehensive and systematic way and he committed to informing the

Member States about appropriate practices that exist in other States of the Hemisphere to deal with this topic.

In relation to **food sovereignty**, the Secretary General acknowledged that it is necessary to explore the topic of land issues with indigenous peoples, and suggested that the IACHR should identify the most effective use of precautionary measures in these cases. In regards to the comments about the need for a balance between **promotion and protection of human rights**, the Secretary General asserted that the existence of a public entity to assist stakeholders that lack the resources or conditions to present their cases to the human rights bodies of the OAS is essential. He held that although there are many organizations and firms that bring cases to the Inter-American Human Rights System pro bono, the System would be much better if there was a public defense system that could ensure that all of the cases presented to the Commission meet the admission requirements and are properly presented. For this purpose, he proposed the creation of a system that advises the victims in order to guarantee equality for all to present their cases to the Commission.

Addressing the non-observance of the **reparation laws for the victims** of dictatorships, the Secretary General commented that the IACHR has great experience on the topic and recommended that CSOs approach the Commission to address matters related to the non-observance or inadequacy of the reparation laws implemented by the States.

The Secretary General also held that the Organization will deal with the issue of **malnutrition and shortage of food** through the Social Protection Network, created in the V Summit of the Americas that took place in Trinidad and Tobago in 2009.

As for the issue of **education**, he shared that the Organization carries out programs that promote democratic values, and holds dialogues between the Inter-American Ministers of Education on the topic of higher education. He assured that he would bring the proposal to the attention of the OAS Executive Secretariat for Integral Development.

Giving attention to the subject of **indigenous peoples**, the Secretary General assured that these groups would be represented and present in the CSO working tables throughout the General Assembly. He reminded the participants that the Foreign Ministers met with leaders of more than 90 indigenous groups in Cartagena during the VI Summit of the Americas, and for that reason the table for indigenous peoples was not included during the General Assembly.

The Secretary General expressed that the conversations with civil society grant him a space to be frank and he commented that despite not being in agreement with the positions of certain Member States towards the **Inter-American Commission on Human Rights**, the Secretary General cannot attribute repercussions towards these countries. He emphasized that it is of the utmost importance that these countries remain in the System, and therefore the Organization should not assume actions that would push them to abandon it. He expressed his disagreement with Trinidad and Tobago's withdrawal, which he argued represents a significant setback for the region. He reminded those present that currently the Commission has two Commissioners from the Caribbean, and shared his hope that this will encourage an advancement of the IAHR in this region. The Secretary General stated that the Commission must follow the principles consecrated in the Inter-American Democratic Charter, as well as all the other principles and values that have been assigned to it by the common practices of the countries. Lastly, with respect to the reform to the statutes of the Inter-American Commission on Human Rights, the Secretary General affirmed his hope that States maintain the obligations that they have assumed

throughout the decades and invited the Member States to assume more responsibilities rather than denounce the ones they already have.

As the Secretary General concluded this round of responses, the forum was opened again to civil society representatives. Ms. **Claudia Saleta from the Colectiva Mujer y Salud** and member of the LGBTTTI Coalition, called on the OAS General Secretariat to guarantee, above all, maintaining the strength of the Inter-American Commission on Human Rights, and expressed that her organization is against the statutory reform that seeks to weaken IAHRs. She declared her support to the draft resolution on the Inter-American Convention against Racism and all forms of Discrimination and Intolerance, particularly on the topic of discrimination against LGBTTTI groups that live in situations of greater vulnerability. She highlighted that the approval of such Convention would be a great step toward the elimination of the barriers that impede equal access to food security, among other guarantees. She asked the Secretary General to urge the Member States to approve the Convention on Sexual and Reproductive Rights. She expressed her gratitude for the opportunity to participate in the event, and assured the Secretary General that he can count on civil society organizations as an ally.

Ms. **Soledad Sonia Pachón Fernández from the Centro de la Mujer Peruana Flora Tristán** stated that sexuality and reproduction constitute important dimensions of the lives of the citizens of the region. She noted that sexual violence, forced disappearances, the feminization of poverty, femicide, and threats against human rights defenders represent grave systematic human rights violations. In addition, she proposed the creation of a working group on sexual and reproductive rights.

Mr. **Carlos Quesada from Global Rights Partners for Justice** shared some structural concerns, whereas the region continues to deny discrimination that exists, especially that faced by Afro-descendant groups. He added that this is reflected in the impact the Colombian armed conflict has had on Afro-Colombian populations, in the process of denationalization of many Dominicans of Haitian ancestry, the violent deaths during police clashes in Brazil, among others. He shared his concern to the absence of an Afro-descendant variable in the national census of the Member States. He considered that the discussion on topics of discrimination within the Organization is lukewarm, particularly in the English-speaking Caribbean, where there is a big problem between Afro-descendants and citizens of Indian ancestry. He again stressed the issue of precautionary measures, and implored that any reform should seek to strengthen and not weaken the Inter-American Human Rights System.

Ms. **Deysi Roque from the Asociación Cristiana Femenina El Salvador** emphasized the regression of the Central American countries in the area of the absolute criminalization of abortion, disregarding causal factors. She called upon the Salvadoran State to ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and requested the State to comply with the recommendations made by the Inter-American System on the topic of abortion. She reiterated the proposal of the creation of a working group on sexual and reproductive rights.

In relation to discrimination, Ms. **Laura Estefanía Jerez Mansilla from the Organización de Transexuales por la Dignidad de la Diversidad (OTD)** considered the urgent need for complete access to sexual and reproductive rights, underlining that the demand comes from many countries and must not be ignored. She reiterated the need to create a Working Group on Sexual and Reproductive Rights and informed the Secretary General that a network of CSOs has developed a manual on the topic.

In the same line of thought, Ms. **Cristina Zurutuza from the Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)** requested the General Secretariat to reinforce its

actions to promote the sexual and reproductive rights of LGBTI populations in their societies, and demanded the elimination of laws that restrict abortion, as laws that penalize abortion cause the maternal mortality rate to increase. She asked for the OAS' support so that the countries of the region move forward on legislation terms, otherwise the problem of clandestine abortions will persist.

Ms. **Natalia Landivar from Food First Information and Action Network (FIAN)** declared her preoccupation for the content of the Draft Declaration of Cochabamba, which includes policy proposals to foment private investments in the conventional agriculture production. She asked the Secretary General to consider the statistics provided by the United Nations Food and Agriculture Organization (FAO) which prove that the growth of food production is concentrated on certain products and certain regions, and favors the big farmers with greater resources, while food imports are growing in the region. She referred to FAO Committee on World Food Security that has recognized that the most vulnerable groups and sectors of society are more susceptible to suffer hunger. For this reason, she asked the Member States to take into consideration the demands of civil society when adopting the Declaration of Cochabamba, and asked for the adoption of the proposal by the Government of Bolivia to establish a regional forum that creates a common work agenda for the Member States.

Ms. **María de los Ángeles Sánchez, from the Organización para la Educación y Servicio a la Comunidad (OESER)**, highlighted that the Draft Declaration gives little importance to the topic of nutritional education, and asked what percentage of funds is being allocated to this issue. She stressed that the great majority of kids that come to her organization are malnourished, and their needs are not fulfilled by their States. She requested Members States to ensure the rights and needs of children, as they are the most vulnerable sector of society.

On the same topic, Mr. **Jorge Freyre from the Red Latinoamericana y Caribeña por la Defensa de los Derechos de los Niños, Niñas y Adolescentes (REDLAMYC) / Gurises Unidos** joined the recommendations presented on the topic of the Inter-American Human Rights System, especially those regarding the Rapporteurship on the Rights of the Child. He expressed that without a strong rapporteurship it is impossible to fully respect the rights of the most vulnerable groups. He underscored that the draft Declaration demonstrates the invisibility of the rights of children on the Organization's documents.

The last civil society representative to take the floor was Ms. **Ruth Montañó from the Organización para la Educación y Servicio a la Comunidad (OESER)**, who expressed concern for the absence of the theme of family in the Organization's agenda. She asked to respect and highlight the natural family and marriage, and held that food security will not be achieved if the most basic social institution is not protected. She recommended the creation of a unit to protect the family as the fundamental element of society.

After the remarks from CSO representatives, the OAS Secretary General, José Miguel Insulza, highlighted two topics of great importance. In reference to the initiative to create a working group on women's issues, he emphasized that the IACHR has a **Rapporteurship on the Rights of Women**, and its Rapporteur, Tracy Robinson, recently presented a report on violence against women in the Americas. Additionally, he underlined that the **Inter-American Commission of Women (CIM)** actively works on the topic of violence against women and gender equality. He encouraged the civil society representatives to approach these OAS bodies to strengthen their work. He offered to shared the preoccupations and initiatives on the Inter-American Convention on Sexual and Reproductive Rights with Ambassador

Carmen Moreno, Executive Secretary of the CIM, and to share the proposals on the Draft Inter-American Convention against Racism and all forms of Discrimination and Intolerance with the IACHR.

The Secretary General shared the concerns on the denial of racial discrimination in the region, and noted that this is not a class problem, but rather is related to ethnic origin and gender, commenting that often times Afro-descendants and women have fewer opportunities and resources than other groups.

Lastly, the Secretary General thanked the civil society representatives for their participation and the meeting concluded.