

PERMANENT COUNCIL OF THE  
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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Summary of the meeting held on March 16, 2017

On March 16, 2017, the Committee on Juridical and Political Affairs (CAJP) held its fifth special meeting on the methods being implemented by each public-defender institution in the region for the prevention of torture and other cruel and degrading treatment or punishment, in accordance with the mandates contained in resolution AG/RES. 2887 (XLVI-O/16), "Promotion and Protection Human Rights." The meeting was chaired by Ambassador Jennifer Loten, Permanent Representative of Canada and Chair of the CAJP. It came to order at 2:20 p.m.

The statutory quorum was constituted by representatives of Antigua and Barbuda, Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, and Venezuela.

The following members of the Inter-American Association of Public Defender Offices (AIDEF) participated in the session: Andrés Mahnke, Chile; Stella Maris Martínez, Argentina; Marta Iris Muñoz Cascante, Costa Rica; Mario Alberto Torres López, Mexico; Antonio Maffezoli, Brazil; and Laura Hernández Román, Dominican Republic.

The audio recording of the meeting is available at the following link:  
<http://scm.oas.org/Audios/2017/CP-CAJP-3400-03-16-2017.MP3>

As the meeting began, Ambassador Loten recalled that the General Assembly, through resolution AG/RES. 2887 (XLVI-O/16), underscored the key importance of free legal-aid services and official public-defender institutions in promoting and protecting the right of access to justice for all persons, most especially those in situations of particular vulnerability.

The same resolution, she recalled, encouraged states and official public-defender institutions to ensure absolute respect for public defenders in exercising their functions free from any interference and improper control by other branches of government. Likewise, it encouraged public-defender institutions to develop, in accordance with their autonomy and where appropriate, instruments to systematize and record cases of reported torture and other inhuman, cruel, and degrading treatment, which can be used as tools for developing prevention strategies and policies with the central aim of preventing violations of the human rights of people deprived of their liberty, recognizing that public defenders are key players in preventing and reporting torture and other inhuman, cruel, and degrading treatment, and providing support to victims.

During the meeting, the Committee had the opportunity to learn about the progress made in the work of the OAS Secretariat and the AIDEF in applying methods of prevention of torture and

other inhuman, cruel, and degrading treatment. They also shared information on best practices and experiences in the region.

Mr. Dante Negro, Director of the OAS Department of International Law, which serves as the Technical Secretariat of the Inter-American Juridical Committee (CJI), referred to the ever-closer ties between the AIDEF and the CJI and to the partnership between the General Secretariat and the AIDEF to provide training for public defenders in different areas that help improve access to justice.

He then referenced the document “Principles and Guidelines on Public Defense in the Americas” (CJI/doc.509/16 rev. 2), a compilation of the basic elements of a comprehensive and autonomous public-defender institution that was approved by the CJI in October 2016 by resolution CJI/RES. 226 (LXXXIX-O/16) and submitted to the Permanent Council with the recommendation that it be presented to the General Assembly for adoption. The presentation given by Mr. Negro was later published as document [CP/CAJP/INF.333/17](#).

For his part, the National Defender of Chile and General Coordinator of the Inter-American Association of Public Defender Offices (AIDEF), Mr. Andrés Mahnke Malschafsky, referred to the prevention of torture and the role of public defender institutions in the region. During his presentation, he discussed current international instruments on the matter, different aspects of torture and various forms that it takes, ways to prevent and prosecute it, and the role of public defender offices in achieving that. The presentation given by Mr. Mahnke was later published as document [CP/CAJP/INF.334/17](#).

- Presentations by regional groups belonging to the Inter-American Association of Public Defender Offices (AIDEF)

As previously agreed, the members of AIDEF were represented at the meeting by the coordinators of their respective regional groups. The Committee heard presentations from each of the coordinators, who shared information on best practices and experiences regarding ways of preventing torture and other cruel and degrading treatment or punishment.

Ms. Stella Maris Martínez, Defender General of Argentina and General Secretary of the AIDEF, referred to the progress made by the Public Defender’s Office of Argentina at the federal level.

Ms. Marta Iris Muñoz Cascante, Director of Public Defense of Costa Rica and AIDEF General Coordinator for Central America, presented the best practices of the public defender offices of Costa Rica and Panama in preventing torture and other cruel and degrading treatment. The presentation given by Ms. Muñoz was later published as document [CP/CAJP/INF.335/17](#).

Mr. Mario Alberto Torres López, Director General of the Federal Public Defender Institute of Mexico and AIDEF Coordinator for North America, gave a brief overview of different domestic laws in the Americas and shortcomings in terms of the consequences of acts or omissions that entail physical or psychological torture. In that regard, he reiterated criminal justice system operators in each country can and should take concrete measures to respond to situations in which they detect the practice of torture and other cruel or degrading treatment or punishment. He went on to share with the Committee the practices of public defenders in Mexico. The presentation given by Mr. Torres was later published and may be found in document [CP/CAJP/INF.338/17](#).

Mr. Antonio Maffezoli, President of the National Association of Public Defenders of Brazil and Deputy General Coordinator of the AIDEF, presented the progress achieved and measures adopted in Argentina, Brazil, Paraguay, and Venezuela in relation to combating police brutality and to oversight of jails, custody measures, and other aspects. The presentation given by Mr. Maffezoli was later published as document [CP/CAJP/INF.336/17](#).

Ms. Laura Hernández Román, Director of National Defense at the Public Defender's Office of the Dominican Republic and AIDEF Coordinator for the Caribbean, gave a presentation on best practices applied in her country in terms of the prevention of torture and cruel, inhuman, and degrading treatment, especially with respect to prisons. The presentation given by Ms. Hernández was later published as document [CP/CAJP/INF.337/17](#).

- Participation by member states

Following the presentations by the members of the AIDEF, the representatives of Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Guatemala, Mexico, and Venezuela shared information on progress made in relation to torture in their respective countries. Likewise, they reaffirmed the commitment of their governments to continue fighting torture and cruel and degrading treatment.

The Representative of Ecuador commented on experience of his country and expressed appreciation for the resolutions adopted by the General Assembly of the OAS, which, based on the work that the CAJP has been doing for many years, have encouraged member states to allow public defender offices autonomy.

With regard to the ten principles and guidelines on public defense in the Americas approved by the CAJP, the Representative of Chile said that their approval was a very positive step because they systematized the most important concepts of public defense. For his part, the Representative of Mexico requested information on the procedure that should be followed in presenting the document "Principles and Guidelines on Public Defense in the Americas" to the General Assembly. In response to that question, Mr. Dante Negro said that the document approved by the CJI was sent to the Permanent Council and that it was up to the Council to decide on the course of action to follow, which could include transmitting it to the CAJP so that it might make recommendations.

At the end of the member states' interventions, Ambassador Loten acknowledged the important rallying power of the OAS in uniting the efforts of authorities in all the states in the Hemisphere to work toward the eradication of the antiquated practice of torture, attain the highest standards, and fulfilling their obligations in that area.

The Committee took note of the presentations given by the members of the AIDEF on the efforts of public-defender institutions to prevent torture and other cruel, inhuman, or degrading treatment, as well as the information shared by the member states.

The Chair thanked the public defenders for their participation in the meeting and, most especially, for the work that they do on a daily basis in defense of citizens of the Americas. Furthermore, she thanked the Permanent Mission of Argentina for organizing the meeting.

The meeting was adjourned at 4:45 p.m.