

AG/RES. 2887 (XLVI-O/16)

PROMOTION AND PROTECTION OF HUMAN RIGHTS<sup>1/2/3/4/5/6/</sup>

(Adopted at the second plenary session, held on June 14, 2016)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2015 - June 2016” (AG/doc.5514/16 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States;

REAFFIRMING the norms and principles of international law and those contained in the Charter of the Organization of American States, international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding inter-American instruments on this subject, as well as the important role played by the organs of the inter-American human rights system in promoting and protecting human rights in the Americas; and

RECALLING declaration AG/DEC. 71 (XLIII-O/13), resolutions AG/RES. 2781 (XLIII-O/13), AG/RES. 2790 (XLIII-O/13), AG/RES. 2799 (XLIII-O/13), AG/RES. 2802 (XLIII-O/13), AG/RES. 2804 (XLIII-O/13), AG/RES. 2805 (XLIII-O/13), AG/RES. 2821 (XLIV-O/14), AG/RES. 2822 (XLIV-O/14), AG/RES. 2823 (XLIV-O/14), AG/RES. 2825 (XLIV-O/14), AG/RES. 2826 (XLIV-O/14), AG/RES. 2829 (XLIV-O/14), AG/RES. 2831 (XLIV-O/14), AG/RES. 2832 (XLIV-O/14), AG/RES. 2839 (XLIV-O/14), AG/RES. 2840 (XLIV-O/14), AG/RES. 2845 (XLIV-O/14), AG/RES. 2847 (XLIV-O/14), AG/RES. 2850 (XLIV-O/14), AG/RES. 2851 (XLIV-O/14), AG/RES. 2854 (XLIV-O/14), AG/RES. 2863 (XLIV-O/14), AG/RES. 2864 (XLIV-O/14), and AG/RES. 2867 (XLIV-O/14), as well as all previous resolutions adopted on this topic,

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1. The Government of Jamaica is fully committed to protecting the human rights of all its citizens, including from any form of violence, in accordance with the rule of law and the ...
  2. The Republic of Honduras declares its commitment to human rights and international conventions and, with respect to the provisions of this resolution, states its reservation to those articles...
  3. The State of Guatemala declares that it promotes and defends all human rights and, with respect to the provisions of this resolution, reaffirms the equality of all human beings under the provisions of ...
  4. The Government of Nicaragua considers unacceptable the double standard of the Inter-American Commission on Human Rights in maintaining Chapter IV.B of its Annual Report. ...
  5. The Republic of Paraguay reiterates its commitment to the principles of the Universal Declaration of Human Rights and international conventions signed on such matters, and it reaffirms the ...
  6. Trinidad and Tobago is unable to join the consensus on this document, as some areas are contrary to the laws of the Republic. Trinidad and Tobago remains firmly committed to the promotion and ...

## I. ACTIVITIES OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

### RESOLVES:

1. To instruct the Permanent Council, the General Secretariat, and the other organs identified in Article 53 of the Charter of the Organization of American States (OAS) to continue working on the implementation of the applicable current mandates set out in previous General Assembly resolutions assigned to the Committee on Juridical and Political Affairs (CAJP), except as stated otherwise in any resolution.

2. To urge the member states of the Organization to continue contributing to the attainment of the objectives established in said resolutions through the development and execution of activities, the submission of reports, the exchange of information, the adoption of measures and policies, and cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide the necessary support to those ends.

3. To recognize the role of the CAJP in juridical and political matters in the framework of the OAS and to instruct it to work on the promotion of the topics under its purview in this resolution and, similarly, to instruct the Permanent Council to continue, through the CAJP, to promote and coordinate cooperation among the organs, agencies, and entities of the Organization.

i. Recognition and promotion of the human rights of people of African descent in the Americas

BEARING IN MIND that the Inter-American Democratic Charter proclaims that respect for ethnic, cultural, and religious diversity in the Americas contributes to strengthening democracy and citizen participation, and that the Social Charter of the Americas provides that “[m]ember states recognize the contributions of indigenous peoples, afro-descendants, and migrant communities to the historical process of the Hemisphere and will promote recognition of their value”; and

REAFFIRMING the steadfast commitment of the member states to confront, through various mechanisms, the scourge of racism, discrimination, and intolerance in their societies as a problem that affects society in general, and that all of its individual, structural, and institutional manifestations must be fought,

### RESOLVES:

1. To instruct the General Secretariat and the Inter-American Commission on Human Rights (IACHR), in collaboration with the member states, to continue disseminating and promoting the rights of people of African descent; to prepare and implement projects to promote, protect, and guarantee their rights within the Organization and in member states; and to publicize and promote the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.

2. To instruct the IACHR to continue devoting special attention to the rights of people of African descent and to eliminating racial discrimination through its mechanisms and functions and, in particular, through its rapporteurship on this issue.

3. To again urge member states that have not yet done so to sign, ratify, or accede to, as appropriate, including the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance as well as the Inter-American Convention against All Forms of Discrimination and Intolerance.

ii. Promotion and protection of human rights in business

NOTING the special meeting of the CAJP to foster the exchange of best practices and experiences in promotion and protection of human rights in business, held on January 29, 2015;

EMPHASIZING that the United Nations 2030 Agenda for Sustainable Development promotes development based on responsible corporate behavior and makes reference to the United Nations Guiding Principles on Business and Human Rights, among other initiatives; and

ACKNOWLEDGING the important contributions of business, including microenterprises and cooperatives, to sustainable development based on dynamic, efficient, responsible corporate behavior that protects labor rights and health and environmental requirements, in keeping with relevant international norms and agreements as well as other initiatives being carried out in this area,

RESOLVES:

1. To continue promoting the implementation of the United Nations Guiding Principles on Business and Human Rights and to urge member states and their respective national human rights institutes and/or competent agencies to disseminate these principles as widely as possible and facilitate exchange of information and sharing of best practices on promotion and protection of human rights in business, in order to raise awareness about the benefits of applying them; and to invite all member states to participate constructively in initiatives related to effective observance of human rights by businesses.

2. To encourage regional financing and development mechanisms, especially the Inter-American Development Bank, as requested by member states, companies, and other public or private entities, to support efforts to implement the United Nations Guiding Principles on Business and Human Rights, among other such initiatives in the Hemisphere, and to consider, within management, evaluating the standards for respecting human rights in their project funding mechanisms.

3. To request the General Secretariat, the IACHR, and the Executive Secretariat for Integral Development (SEDI), within the sphere of their responsibilities and in a coordinated manner, to continue supporting member states that so request in the promotion and application of state and business commitments in the area of human rights and business, including, *inter alia*, support in developing national action plans on human rights and business as one way of applying the Guiding Principles.

4. To request the IACHR to conduct, by the second half of 2016, a study on inter-American standards on business and human rights based on an analysis of conventions, case law, and reports put forth by the inter-American system, which could be an input for the efforts of member states in the context of different national and international initiatives in the area of business and human rights. This mandate shall be contingent on the necessary financial resources being identified.

As follow-up to the foregoing, to request the IACHR to report to the Permanent Council on the findings of that study in the first quarter of 2017.

iii. Conscious and effective regulation of business in the area of human rights

RECALLING the contents of resolution 26/9 “Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights” adopted by the United Nations Human Rights Council on July 14, 2014;

EMPHASIZING that states have an obligation and the primary responsibility to promote and protect human rights and fundamental freedoms against abuses perpetrated within their territory and their jurisdiction, including by third parties, such as corporations;

RECOGNIZING that business enterprises have the capacity to foster economic wellbeing, development, technological progress, and wealth, as well as the responsibility to respect human rights and to promote gender equity and women’s economic empowerment; and

TAKING NOTE of the report “Corporate Social Responsibility in the Area of Human Rights and the Environment in the Americas,” adopted by the Inter-American Juridical Committee by resolution CJI/RES. 205 (LXXXIV-O/14),

RESOLVES:

1. To call upon member states to strengthen mechanisms to establish guarantees to ensure that business enterprises respect human rights and the environment, acting in line with and pursuant to applicable international instruments and domestic laws.

2. To encourage member states to consider their participation in national, regional, and global initiatives for protecting the human rights of individuals affected by the activities of business.

3. To request that the Inter-American Juridical Committee prepare a compilation of good practices, initiatives, legislation, case-law, and challenges that may be used as a basis for identifying alternative ways to address the issue, which will be submitted for the consideration of the Permanent Council within one year; and, furthermore, to request the organs of the inter-American human rights system to make contributions and share experiences on the process. Execution of this mandate will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

iv. Protection of asylum seekers and refugees in the Americas

EMPHASIZING that the 2014 commemorative process for the thirtieth anniversary of the 1984 Cartagena Declaration on Refugees (Cartagena+30) highlighted new hurdles and challenges with respect to international protection for refugees, displaced and stateless persons in the Americas, through the active participation of the countries of Latin America and the Caribbean, in collaboration with international and civil society organizations and other social actors; and

UNDERSCORING the importance of the Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean” and the Brazil Plan of Action “A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity”, which were adopted on December 3, 2014, as the new strategic framework for protection of refugees, asylum seekers, displaced and stateless persons,

RESOLVES:

1. To call upon all states to continue to uphold and respect the international principles for the protection of refugees and asylum seekers, in particular, the principle of non-refoulement.

2. To recognize and reaffirm the full effect and fundamental importance of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol as the principal instruments for refugee protection; and to reaffirm the commitment of the states parties to those instruments to implement fully and effectively the obligations set forth therein, as well as the Declaration of Cartagena.

3. To urge the countries that adopted the Brazil Declaration and Plan of Action as the new strategic framework for meeting the protection needs of refugees, displaced, and stateless persons to pursue their thematic programs over the next decade on a footing of regional solidarity and cooperation and to foster exchanges of best practices among the countries of Latin America and the Caribbean with the support of the international community.

4. To reaffirm the importance and the vital role of international cooperation in the search for, and strengthening of, admission mechanisms and durable solutions to address the situation of refugees and asylum seekers; and to urge member states and the international community to increase technical and economic cooperation with the refugee-receiving countries of the Hemisphere and other regions that so require and to work in cooperation with the United Nations High Commissioner for Refugees (UNHCR), where appropriate, to provide effective protection to asylum seekers and refugees.

v. Prevention and reduction of statelessness and protection of stateless persons in the Americas

RESOLVES:

1. To welcome the Global Action Plan to End Statelessness: 2014 - 2024, the Brazil Declaration and Plan of Action, and the UNHCR global campaign #IBELONG, as the global and subregional strategic framework for ending statelessness.

2. To underscore the importance of the conventions on statelessness; and to invite member states that have not yet done so to consider ratifying or acceding to them, as appropriate; and to invite member states to establish fair and efficient procedures for determining statelessness and grant facilities for the naturalization of stateless persons, as applicable.

3. To urge member states that have not yet done so to eliminate discrimination against women from the legal framework pertaining to nationality, include appropriate safeguards to prevent cases of statelessness, promote civil registry, and duly resolve existing cases of statelessness, in line with their international obligations relating to human rights and statelessness.

vi. Internally displaced persons

EMPHASIZING that states have the primary responsibility to respect, promote, and protect the human rights of all persons within their territory and jurisdiction, including internally displaced persons, and to provide them with humanitarian protection and assistance, as well as to address, as appropriate, the causes of the internal displacement problem within their territory and to do so, when required, in cooperation with the international community,

RESOLVES:

1. To urge member states to include, as appropriate, in their sectoral plans, policies, and programs, the special needs of internally displaced persons—such as the loss of physical protection, the loss of livelihoods, and exposure to new risks—and of communities affected by internal displacement, in particular, in the preparation of programs on prevention of the diverse causes and consequences directly related to that displacement, including social and security policies and programs to foster development, fight poverty, and reduce the risk of natural disasters, bearing in mind a gender-based perspective and the unique and distinct needs of vulnerable groups, in which the needs of receiving communities could also be taken into account.

2. To urge member states to examine the advisability of incorporating the Guiding Principles on Internal Displacement prepared by the Representative of the United Nations Secretary-General on Internally Displaced Persons into their domestic laws and applying them in designing and implementing plans, policies, and programs of support and protection for displaced persons.

vii. International migration and protection of the rights of migrants

RECALLING the principles and standards enshrined in the American Declaration of the Rights and Duties of Man, which proclaims that all persons are equal before the law; the American Convention on Human Rights, which recognizes that the essential rights of man are not derived from one's being a national of a certain State, but are based upon attributes of the human personality; and the Universal Declaration of Human Rights, which states that everyone has the right to freedom of

movement and residence within the borders of each state, and to leave any country, including his own, and to return to his country,

RESOLVES:

1. To urge states to promote and protect effectively the human rights and fundamental freedoms of all migrants, including migrant workers and their families, especially of women and children, regardless of their immigration status, in accordance with international human rights law.

2. To acknowledge the important contribution of migrants to integral development, highlight the economic, social, and cultural benefits of diverse and pluralistic societies, and vigorously condemn all manifestations or acts of racism, discrimination, xenophobia, and related intolerance toward migrants in connection with access to employment, vocational training, housing, education, health care services, social services, and public services.

3. To express concern at the increasing activities of transnational and domestic organized crime and of other activities or other actors that profit from crimes against migrants, especially migrant women, children, and adolescents, and to encourage those states that have not already done so to enact national laws and adopt more effective measures to combat trafficking in persons and smuggling of migrants and to step up international cooperation efforts to combat those crimes.

viii. Strengthening the Follow-up Mechanism for Implementation of the Protocol of San Salvador

HIGHLIGHTING that, to date, 16 member states of the Organization of American States (OAS) have ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador), Article 19 of which provides that the States Parties undertake to submit periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in the Protocol, and that the corresponding rules were established by resolution AG/RES. 2074 (XXXV-O/05) and other subsequent resolutions; and

MINDFUL that AG/RES. 2823 (XLIV-O/14) requested that the Technical Secretariat of the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador review all existing regulations concerning the composition, designation, and rotation of the members of the Working Group and the length of their terms of office and, as necessary, to submit to the General Assembly any adjustments and clarifications required to ensure the Group's smooth operation in its review of the reports; and that the Rules of Procedure and other provisions of the Working Group circulated in document CP/CAJP/INF. 187/13 provide that if new members of the Working Group are not elected to replace those members whose mandates are concluding, the latter shall continue to serve until the new members are elected,

RESOLVES:

1. To request that the States Parties submit national progress reports on the second group of rights by December 31, 2016.

2. To invite member states to consider signing, ratifying, or acceding to, as applicable, the Additional Protocol to the American Convention on Human Rights in the Area of Economic,

Social and Cultural Rights (Protocol of San Salvador) and to invite all the States Parties to the Protocol of San Salvador, member states and permanent observer states, as well as individuals or public or private institutions, whether national or international, as defined in Article 74 of the General Standards to Govern the Operations of the General Secretariat and other provisions of the Organization of American States, to contribute to the Specific Fund for the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador.

3. To request that the Technical Secretariat of the Working Group review within a reasonable timeframe the existing regulations concerning the composition, designation, and rotation of the members of the Working Group and the length of their terms of office and, as necessary, that it submit to the General Assembly any adjustments and clarifications required to ensure the Group's smooth operation in its review of the periodic reports of the States Parties. Meanwhile, the Working Group shall continue to operate with its current members until such time as those regulations are reviewed or candidacies to replace its members are presented.

ix. Toward autonomous official public defenders as a safeguard for integrity and personal liberty

UNDERSCORING the key importance of free legal-aid services and official public-defender institutions, or however the equivalent mechanisms are known in domestic law, in promoting and protecting the right of access to justice for all persons, most especially those in situations of particular vulnerability; and

APPLAUDING the adoption of the Regional Guidelines for Public Defender Systems and Comprehensive Protection for Persons Deprived of Their Liberty, the Handbooks for Monitoring Human Rights at Detention Centers by Public Defenders: General Visits and Individual Interviews, the Regional Handbook of Good Prison Practices, and the Regional Handbook: The Bangkok Rules as Key to Public Defense, all prepared by the Inter-American Association of Public Defender Offices (AIDEF),

RESOLVES:

1. To encourage states and official public-defender institutions, where appropriate, to ensure absolute respect for the work of public defenders and public institutions providing legal aid in the exercise of their functions, free from any interference and improper control by other branches of government.

2. To encourage 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 in assisting the victims thereof. In line with the foregoing, the General Secretariat, through the Department of International Law, shall continue to work with the AIDEF to provide training to public defenders in different areas to help improve access to justice.

x. Protecting human rights and fundamental freedoms while countering terrorism



RECALLING that antiterrorism measures must be applied with full respect for the human rights of all persons, including members of national, ethnic, religious, and linguistic minorities, and that, in accordance with international law, they must entail no discrimination on the grounds of race, color, sex, language, religion, or social origin,

RESOLVES:

1. To call on member states, in a framework of respect and observance of the human rights contained in the international instruments in this area, to promote and implement at every level the United Nations Global Counter-Terrorism Strategy, bearing in mind that one of its pillars is ensuring respect for human rights, in order to move toward the common goal of eradicating the scourge of international terrorism, and to take into account the adoption, implementation, and application of the different international conventions and protocols on terrorism, as well as follow-up on United Nations Security Council resolutions 1373 (2001) and 1624 (2005).

xi. Persons who have disappeared and assistance to members of their families

REAFFIRMING the responsibility of states to continue necessary efforts to alleviate the suffering, anxiety, and uncertainty experienced by the family members of persons who are presumed to have disappeared as a result, *inter alia*, of armed conflicts, armed violence, migration, or natural disasters, in order to meet their diverse needs and fulfill their right to truth and justice and, where appropriate, to receive reparation for harm caused;

RECALLING that forced disappearance is a multiple and continuous violation of several human rights, the widespread or systematic practice of which constitutes a crime against humanity as defined in applicable international law; and

UNDERSCORING the experience in different states of mechanisms to address the needs of family members, the advances in forensic sciences and their important contribution in the search process for persons who have disappeared, and the documents and tools developed by the International Committee of the Red Cross and other organizations with experience in searching for persons who have disappeared and meeting the needs of their family members; and the minimum standards for psychosocial work proposed in the International Consensus on Principles and Minimum Standards for Psychosocial Work in Search Processes and Forensic Investigations in Cases of Enforced Disappearances, Arbitrary or Extrajudicial Executions,

RESOLVES:

1. To urge member states, in keeping with their obligations under international humanitarian law and international human rights law, and taking into consideration existing related case law, to continue the progressive adoption of measures, including domestic regulatory and institutional provisions to:

- a. prevent the disappearance of persons, with a particular focus on vulnerable groups;
- b. deal with cases of migrants who have disappeared, as well as children presumed to have disappeared, in order to search for them, identify them,

and, where possible, reunite them with their families and promote regional cooperation on technical and judicial assistance;

- c. clarify the whereabouts and fate of disappeared persons in order to provide their families with a rapid response, and evaluate the possibility of establishing mechanisms to search for persons who have disappeared so as to provide a framework for a broad, comprehensive investigation and, in the case of death, accord priority to the humanitarian objectives of recovery, identification, return, and a decent burial of the human remains, without prejudice to compliance with the obligations to investigate, prosecute, and punish those responsible for the disappearances;
- d. meet the needs of family members, such as, *inter alia*, to know what happened to their loved ones; recover the human remains and give them a decent burial according to their customs and traditions; settle legal and administrative problems through a comprehensive domestic legal framework that recognizes the legal status of persons who have disappeared, such as a “declaration of absence by reason of disappearance”; receive financial, psychological, and psychosocial assistance; access justice; hold acts of remembrance and commemoration; and obtain compensation and reparation, taking into account the priorities of the family members;
- e. guarantee the participation and representation of the victims and their families in the relevant proceedings; ensure their access to justice and mechanisms by which to seek prompt and effective just reparation; and ensure provisions to protect all victims and witnesses in proceedings before criminal courts and in other transitional justice mechanisms whose security and well-being may be undermined as a result of their reporting crimes of forced disappearance;
- f. strengthen technical capacities for search, recovery, and the use of diverse forensic sciences, and support training processes for forensic science professionals for identifying human remains, including in relation to the challenges associated with migrants presumed to have disappeared, in keeping with internationally recognized scientific standards and procedures; and
- g. ensure proper handling of information, including the personal data of disappeared persons and their family members, through the creation of centralized databases to collect, protect, and manage information in accordance with national and international legal standards and provisions.

2. To encourage member states to ratify or accede to the Inter-American Convention on Forced Disappearance of Persons and the International Convention for the Protection of All Persons from Enforced Disappearance, implement them in their domestic legal systems, and recognize the competence of the Committee on Enforced Disappearances; to share experiences and best practices, strengthen international cooperation and information sharing, and support the participation of, and technical assistance from, international and national institutions with recognized experience in searching for missing persons. In addition, to urge member states to continue cooperating with the

International Committee of the Red Cross by facilitating its work and accepting its technical recommendations, with a view to consolidating measures adopted by states in the process of searching for missing persons and assisting their family members.

3. To encourage member states to promote the adoption at the national level of measures related to the provisions contained in resolution AG/RES. 2134 (XXXV-O/05), “Persons Who Have Disappeared and Assistance to Members of Their Families,” and all subsequent resolutions in that regard adopted by the General Assembly, and provide regular information updates on such matters; and to instruct the CAJP to include dissemination of that information on its agenda prior to the forty-eighth regular session of the OAS General Assembly.

xii. Observations and recommendations on the Annual Report of the Inter-American Court of Human Rights<sup>7/</sup>

RECOGNIZING that the Inter-American Court of Human Rights is the region’s only human rights tribunal and that compliance with its judgments is mandatory for states recognizing its jurisdiction;

UNDERSCORING the importance of the Inter-American Court of Human Rights in the effective protection of human rights in the Hemisphere, through the performance of its adjudicatory and advisory functions; and

RECOGNIZING the importance of continuing to extend invitations for the Inter-American Court of Human Rights to hold sessions away from its seat as an important initiative to raise awareness of, and promote, human rights; and the constructive nature of hearings to monitor compliance with its judgments,

RESOLVES:

1. To reaffirm the essential value of the work, jurisprudence, and advisory opinions of the Inter-American Court of Human Rights for the effective exercise and observance of human rights in the Hemisphere and for the rule of law.

2. To reaffirm its commitment to attaining full financing of the Inter-American Court of Human Rights through the Regular Fund of the Organization of American States, without prejudice to the financing of the other mandates of the Organization. Until that commitment is fulfilled, to invite member states, observer countries, and other institutions to continue making voluntary contributions to the Inter-American Court. Member states and other institutions are also invited to continue to make contributions to the Victims’ Legal Assistance Fund.

xiii. Observations and recommendations on the Annual Report of the Inter-American Commission on Human Rights<sup>8/</sup>

RECOGNIZING the work of the Inter-American Commission on Human Rights (IACHR) in fulfilling its function of promoting observance and protection of human rights and as an advisory

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7. The Bolivarian Republic of Venezuela promotes, respects, and guarantees the human rights enshrined in inter-American and international law. However, it considers that the organs of the ...

8. *Idem.*

body in this area, particularly as regards the development of human rights protection standards on such crosscutting issues as equality and nondiscrimination through its thematic, country, and individual case reports; conducting observation and working visits; implementing innovative mechanisms to provide technical advice and promote justice in member states; its progress in updating the individual cases and petitions system in order to facilitate access to justice for victims of human rights violations; promoting the use of its friendly settlement mechanism; organizing human rights promotion and training activities; and holding public hearings as an inter-American forum for human rights in the region;

REITERATING the importance that all the member states of the Organization ratify or accede to, as appropriate, the inter-American conventions and protocols on human rights, particularly the American Convention on Human Rights;

CONSIDERING that compliance with the decisions of the organs of the inter-American human rights system is a factor in ensuring the full effectiveness of human rights in OAS member states and in contributing to the consolidation of that system's legitimacy; and

RECOGNIZING that the Commission stated in its 2015 Annual Report that "[t]he establishment of peace in Colombia is a fundamental condition to guarantee its inhabitants respect for their fundamental rights" and that it "commends the steps toward a final agreement," and underscoring, in that regard, the valuable contribution made by the IACHR to the Colombian State and Colombian society as a whole in assisting with this process,

RESOLVES:

1. To reaffirm the commitment of the member states to the Inter-American Commission on Human Rights (IACHR).

2. To urge the member states that have not yet done so to sign, ratify, or accede to, as soon as possible and as the case may be, all universal and inter-American human rights instruments, particularly the American Convention on Human Rights.

3. To reaffirm its commitment to attaining full financing of the IACHR through the Regular Fund of the Organization of American States, without prejudice to the financing of the other mandates of the Organization. Until that commitment is fulfilled, to invite member states, observer states, and other institutions to continue making voluntary contributions. In this context, member states are encouraged to continue inviting the Commission to make observation and working visits and to hold special sessions in the member states. Also to encourage the IACHR to continue submitting the financial and resources report that is customarily included in its annual report.

xiv. Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

UNDERSCORING the importance that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights be composed of impartial, independent individuals of recognized competence in the field of human rights, in keeping with the principles of nondiscrimination, gender equity, and geographic representation, so that they can continue to carry out their mandates properly,

RESOLVES:

1. To encourage states, in selecting judges of the Inter-American Court of Human Rights and commissioners of the Inter-American Commission on Human Rights, to nominate and elect persons that would ensure a membership that provides balance in terms of gender, representation of the different regions, population groups, and legal systems of the Hemisphere, while guaranteeing the requirements of independence, impartiality, and recognized competence in the field of human rights.

2. To instruct the Permanent Council to invite the candidates proposed by member states for the position of judge on the Inter-American Court of Human Rights or commissioner on the Inter-American Commission on Human Rights to deliver a public presentation to the Council prior to the elections, if possible, in order to describe in greater detail their vision, proposals, and the initiatives that they would undertake if elected. Such presentations will be made, if possible, at the same meeting of the Council and be disseminated as widely as possible.

xv. Against torture and other cruel, inhuman, or degrading treatment or punishment

BEARING IN MIND that the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment states that “the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”; and recalling that this definition is without prejudice to any international instrument or national legislation that does or may contain provisions of wider application; and

COMMENDING the review of the United Nations Standard Minimum Rules for the Treatment of Prisoners (“Nelson Mandela Rules”), adopted by the United Nations General Assembly in resolution 70/175 of December 17, 2015, and urging the effective application thereof,

RESOLVES:

1. To urge the States to consider the contents of resolution AG/RES. 2829 (XLIV-O/14) adopted by the General Assembly of the Organization of American States on June 4, 2014, and United Nations General Assembly resolution 70/146 adopted by consensus on December 17, 2015.

2. To reaffirm the absolute and irrevocable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, and the need to adopt effective measures to prevent such acts, particularly in places of deprivation of liberty, including implementation of effective prevention mechanisms, judicial and procedural guarantees, and education and training activities for any personnel responsible for the custody, interrogation, or treatment of persons subject to any form of arrest, detention, or confinement.

3. To call upon all states to adopt a gender-based approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence based on gender, sexual orientation, or gender identity, and taking into account relevant international instruments; and to adopt concrete measures in health care environments to combat such discrimination, which often underlies torture and other abuse, particularly to ensure the right of access to sexual and reproductive health services free of discriminatory stereotypes that lead to situations of torture or other types of gender-based abuse.<sup>9/</sup>

4. To exhort states to implement effective remedies to provide fair and adequate redress, restitution, compensation, rehabilitation, and satisfaction, as well as guarantees of non-repetition, to victims of torture and other cruel, inhuman or degrading treatment or punishment, taking fully into account the specific needs of the victim; and to urge states to ensure that victims are granted prompt access, without discrimination of any kind, to adequate rehabilitation services until they obtain the maximum level of rehabilitation possible, and to consider the possibility of offering rehabilitation services to immediate family members or dependents of victims, as well as to persons harmed as a result of intervening in order to aid a victim in danger or to prevent their victimization.

xvi. Follow-up to the Inter-American Program for Universal Civil Registry and the “Right to Identity”

CONSIDERING that recognition of the identity of persons facilitates the enjoyment of human rights, including the right to nationality, which is enshrined in international instruments such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and understanding that the exercise of these rights is essential for the consolidation of any democratic society;

RECOGNIZING the work carried out under the Universal Civil Identity Program of the Americas (PUICA); and

CONSIDERING that the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV), for which the OAS currently serves as Executive Secretariat, is the international forum that, since 2005, has promoted the “right to identity” and civil registration in the region through interagency linkage, in addition to the exchange of knowledge and

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9. The Government of Barbados is unable to join consensus on the approval of this section, given that a number of the issues and terms contained therein are neither reflected in its national laws ...

experiences among the institutions charged with registration of persons, their identification, and recording vital statistics,

RESOLVES:

1. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA), to continue providing member states that so request with the necessary assistance to improve and enhance their civil registry systems, to ensure universal registration of births, deaths, marriages, and divorces, among other life events, and to link national civil registry systems to national identity systems in order to guarantee a legal identity for all and thereby allow universal and equal access to essential public services and protection of human rights, especially the rights of women and girls.

2. To convene both the Third Latin American and Caribbean Regional Conference on the Right to Identity and Universal Birth Registration and the First Meeting of Ministers and National Authorities in the Americas on the Right to Identity in the third quarter of 2016 with the purpose of developing recommendations to strengthen the capacities of registry institutions, measure registration of persons using a uniform methodology that includes all people, with a view to discussing and adopting strategies to implement in that regard looking ahead to 2030, which will, in turn, enable the Sustainable Development Goals issued by the United Nations to be met. To that end, the General Secretariat is entrusted with the organization of those meetings in conjunction with the Inter-American Development Bank, the United Nations Children's Fund, and the Government of Mexico.

3. To recognize the General Secretariat as the Executive Secretariat of the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics.

xvii. Support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) and its Technical Secretariat

RECALLING the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (CIADDIS), the Declaration on the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006–2016), as well as the (technical) support of the Department of Social Inclusion of the Secretariat for Access to Rights and Equity,

RESOLVES:

1. To encourage those member states of the OAS that are not parties to the CIADDIS to accede to and ratify it in order to intensify regional efforts with respect to inclusion for persons with disabilities, and, in addition, to encourage states parties to the Convention that have not yet done so to submit their second national report on its implementation, so as to enable proper follow-up on progress and obstacles recorded in the region in preventing and eliminating discrimination against persons with disabilities.

2. To urge member states of the OAS that are parties to the CIADDIS to strengthen the organization and participation of civil society and other social actors, in order to make advances in improving quality of life and inclusion for persons with disabilities and their families, especially in all segments of the population with disabilities who live in conditions of marginalization.

3. To congratulate CEDDIS for its efforts to develop an instruction manual on supports and safeguards for the broad exercise of legal capacity by persons with disabilities; to request that the Department of Social Inclusion of the Secretariat for Access to Rights and Equity implement projects and initiatives to promote this right in the region; to reiterate the importance of voluntary contributions to the Specific Fund for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities, created to supplement financing for the activities of CEDDIS and its Technical Secretariat; and to thank the Governments of Chile and Argentina for their recent financial contributions to that fund in the 2015–2016 term, as well as the peoples and Governments of Mexico and Guatemala for their generous hospitality and resolute and effective support, which helped to ensure the success of the fifth and sixth meetings of CEDDIS, respectively.

4. To reiterate the request that the General Secretariat make the greatest possible efforts to mainstream a perspective of inclusion for persons with disabilities, taking into account the human rights of those persons, in all actions and decisions of the OAS, in line with the objectives of the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006–2016) and the 2030 Agenda for Sustainable Development, including the United Nations Sustainable Development Goals (SDGs).

xviii. Protection of the human rights of older persons

NOTING with satisfaction the adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons on June 15, 2015, the first binding international legal instrument in that regard, which, to date, has been signed by five member states,

RESOLVES:

1. To urge member states that have not yet done so to consider signing and ratifying, as applicable, the Inter-American Convention on Protecting the Human Rights of Older Persons.

2. To instruct the OAS General Secretariat to continue to disseminate and promote the rights of older persons and to design and implement projects for advancing the issue both within the Organization and in OAS member states, and to disseminate and promote, as applicable, the Inter-American Convention on Protecting the Human Rights of Older Persons.

xix. Human rights, sexual orientation, and gender identity and expression<sup>10/</sup>

TAKING INTO ACCOUNT that, in its report “Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas” the IACHR notes that “LGBTI persons, or those perceived as such, are subject to various forms of violence and discrimination based on the perception of their sexual orientation, their gender identity or gender expression” and that “[t]hese situations of violence and discrimination are in clear violation of their human rights as recognized in inter-American and international human rights instruments,”

RESOLVES:

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10. *Idem.*



1. To condemn all forms of discrimination on the basis of sexual orientation and gender identity or expression; to urge member states within the parameters of the legal institutions of their domestic systems to eliminate, where they exist, barriers faced by lesbian, gay, bisexual, trans, and intersex (LGBTI) persons to equal access to political participation and other areas of public life, and to avoid interferences in their private life; and to encourage member states to consider adopting public policies against discrimination by reason of sexual orientation and gender identity or expression.

2. To condemn acts of violence and human rights violations committed by reason of sexual orientation and gender identity or expression; to urge member states to strengthen their national institutions, including through the production of data on homophobic and transphobic violence for the promotion of public policies that protect the human rights of LGBTI persons, with a view to preventing and investigating acts of violence and ensuring due judicial protection for victims on an equal footing and that the perpetrators are brought to justice; in addition, to consider the recommendations contained in the report “Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas” adopted by the IACHR in November 2015, with the aim of adopting and implementing effective measures to combat violence and discrimination against LGBTI persons.

3. To urge member states to ensure adequate protection for human rights defenders who work in the area of violence, discrimination, and human rights violations committed against individuals on the basis of their sexual orientation and gender identity or expression.

4. To urge member states to afford appropriate protection to intersex people and to implement policies and procedures, as appropriate, to ensure medical practices that are consistent with applicable human rights standards.

5. To request the IACHR and the General Secretariat to continue to pay particular attention to activities related to the protection and promotion of rights of LGBTI persons, including the preparation of studies and regional or thematic reports and the generation of spaces for exchanges of good practices; and to urge member states to support the efforts of the Commission and the General Secretariat in that connection.

xx. Rights of the child

TAKING INTO ACCOUNT the demographic characteristics of the region, where 40 percent of the population are under the age of 18, and that in subregions such as Central America more than 55 percent are;

NOTING the priorities expressed by representatives of the member states in the Directing Council of the Inter-American Children’s Institute and recognized in its Action Plan 2015–2019; and

BEARING IN MIND the consistency between those priorities and the ones contained in other international documents, such as the 2030 Agenda for Sustainable Development adopted at the United Nations Sustainable Development Summit 2015 in the context of the seventieth session of the United Nations General Assembly (resolution 70/1),

RESOLVES:

1. To assist in strengthening promotion and protection systems to ensure the full exercise of the rights of the child in the region by promoting universal and inclusive public policies, with special attention to traditionally excluded and/or vulnerable groups.

2. To encourage educational and communication measures that promote a culture of rights, in the firm belief that a focus on guaranteeing and restoring the rights of the child, promoting equality, and a gender-based approach are inseparable from the consolidation and deepening of democracies as a lifestyle respectful of the dignity of all, regardless of differences.

xxi. Strengthening the Inter-American Commission of Women (CIM) for the promotion of gender equity and equality, women's human rights, and the elimination of discrimination and all forms of violence<sup>11/</sup>

RECOGNIZING the importance attached by the Organization of American States (OAS) to gender equality, to the empowerment of women and girls and the exercise of their human rights, and to strengthening the Inter-American Commission of Women (CIM); and

BEARING IN MIND the results of the Thirty-seventh Assembly of Delegates of the CIM, held in Lima, Peru, on May 24 and 25, 2016, especially the adoption of the Declaration of Lima on Equality and Autonomy in the Exercise of Women's Economic Rights; the 2016–2021 Strategic Plan; and the 2016–2019 Triennial Program of Work of the CIM,

RESOLVES:

1. To continue to support the work of the CIM as the principal forum for generating hemispheric policy on gender equality, empowerment of women and girls, and the exercise of their gender-related human rights in tackling new emerging and relevant areas and in following up on the objectives established in the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP), particularly with respect to gender mainstreaming in all activities of the Organization of American States (OAS) and, as a matter of priority, at ministerial meetings, at OAS General Assembly sessions, and in the follow-up on the mandates and initiatives of the Summits of the Americas.<sup>12/</sup>

2. To entrust the Secretary General with strengthening the capacities of the CIM as a specialized organization of the OAS, by providing it with sufficient human and financial resources to fulfill its mandates and implement the results of the Thirty-seventh Assembly of Delegates of the CIM; with working in close coordination with the Executive Secretariat of the CIM in incorporating an approach that takes account of gender-related matters, and with promoting the identification of mechanisms to strengthen work with civil society organizations and other social actors involved with gender issues and the promotion and protection of the human rights of women and girls, in accordance with the 2016–2021 Strategic Plan of the CIM.

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11. Paraguay reserves the right to decide on its acceptance of internal provisions put forth by the General Secretariat in the discharge of its functions that may run counter to the provisions of existing national legislation.

12. The Government of the Republic of Nicaragua does not agree with the references to mandates, decisions, and initiatives arising from the Fifth, Sixth, and Seventh Summits of the Americas, ...

3. To instruct the Secretary General to implement institutional policies to advance gender equality and gender mainstreaming in the OAS and to report to the General Assembly at its forty-seventh regular session on the progress made.<sup>13/</sup>

xxii. Strengthening the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)

RECALLING that the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) establishes that the states parties condemn all forms of violence against women and imposes on states parties the duty to adopt, by all appropriate means and without delay, policies to prevent, punish, and eradicate discrimination and violence against women, whether in the public or the private sphere; and

BEARING IN MIND the importance of and need to strengthen the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI), as well as the results of the Sixth Conference of States Parties to the Convention of Belém do Pará, held in Lima, Peru, on October 15 and 16, 2015, and, in particular, the adoption of the Declaration on Political Harassment and Violence against Women and the publication of the “Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI,” as applicable,

RESOLVES:

1. To continue to support the work of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI) as a hemispheric model for prevention, punishment, and treatment of violence against women, and to follow up on the implementation in full of the Convention of Belém do Pará, including adjustment of their laws and the application, where appropriate, of the recommendations of the multilateral evaluation rounds conducted by the MESECVI.

2. To urge the Secretary General to provide the Executive Secretariat of the CIM with sufficient human and financial resources to optimize its role as Technical Secretariat of the MESECVI.

## II. FOLLOW-UP AND REPORTING

RESOLVES:

1. To instruct the General Secretariat to submit in due course, through the areas responsible for follow-up and execution of activities in connection with the purposes of this resolution, its 2016-2017 plan of activities for consultation or proper oversight by member states.

2. To request the Permanent Council, through the Committee on Juridical and Political Affairs (CAJP), to include in its agenda the following matters covered by this resolution, prior to the

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13. The State of Guatemala reserves the right to accept provisions of an internal nature put forth by the General Secretariat in the exercise of its functions.

forty-seventh regular session of the General Assembly, with a view to promoting exchanges of experiences and best practices:

- Recognition and promotion of the human rights of people of African descent in the Americas;
- Promotion and protection of human rights in business;
- Toward autonomous official public defenders as a safeguard for integrity and personal liberty. Holding of a fifth special meeting in the CAJP on methods being implemented by each public-defender institution in the region for the prevention of torture and other cruel and degrading treatment and punishment, in the first quarter of 2017, with the presence of member states and their respective official public institutions for legal aid, members of the (AIDEF), experts from academia, civil society, and international organizations. The AIDEF guarantees the attendance of its members;
- Protecting human rights and fundamental freedoms while countering terrorism. Discussion of possible alternatives for compiling and more widely disseminating international standards on promotion and protection of human rights while countering terrorism;
- Persons who have disappeared and members of their families;
- Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights;
- Protection of the human rights of older persons.

3. To request the Executive Secretariat of the Inter-American Commission of Women (CIM) to report periodically to the Permanent Council and its respective organs on specific and relevant aspects of the situation of women and girls in the Americas.

4. To instruct the IACHR to continue to give special attention to the matters covered by this resolution that fall under its purview, in particular, through the technical support of its thematic rapporteurships.

5. To request the Permanent Council to report to the General Assembly at its forty-seventh regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

## FOOTNOTES

1. ... Jamaican Constitution. Jamaica, however, expresses its reservation regarding terms such as “gender identity” and “gender expression” which are not defined in Jamaican law and have not gained international acceptance.

2. ... that are contrary to the Constitution of the Republic of Honduras.

3. ... the Constitution of the Republic and does not discriminate for any reason, regardless of race, creed, sex, etc. It also considers that the lawful nonrecognition of marriage between persons of the same sex is not a discriminatory practice. Therefore, Guatemala dissociates itself from those parts that are incompatible with, or contrary to, its applicable national law, and it reserves the right to interpret the terms of this resolution.

4. ... The criteria used are subjective, politicized, discriminatory, and inconsistent with the primary function of promoting and protecting human rights assigned by the states to this organ. The delegation, therefore, recommends the elimination of that chapter, which contravenes the provisions established in the American Convention on Human Rights.

5. ... precepts set down in Title II “Rights, Duties, and Guarantees,” Chapter III “Equality,” and Chapter IV “Rights of the Family” of its National Constitution and concordant provisions.

Therefore, it states its reservation to the text contained in Section xix “Human rights, sexual orientation, and gender identity and expression.” In addition, the expression “gender identity” used in other parts of this resolution will be interpreted in accordance with its domestic system of laws.

6. ... preservation of the rule of law and the protection of human rights and fundamental freedoms of all people, as enshrined in the Constitution of Trinidad and Tobago.

7. ... inter-American human rights system established as “means of protection” contravene the objectives for which they were established. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights should be re-established due to the bias, politicization, and discriminatory and selective attitude they have adopted toward the progressive governments of the region. Those features have destroyed the credibility of both institutions, which once stood for ethical values and commitment to protecting human rights. That was what led the Venezuelan State to denounce the American Convention on Human Rights.

9. ... nor the subject of national consensus. As such, Barbados would not be in a position to meet these requirements. However, the Government of Barbados remains committed to protecting the rights of all from harm and violence, in keeping with the rule of law and the provisions of its Constitution.

12. ... because on those occasions the Heads of State and Government did not adopt the political declarations that contained the mandates and the operative paragraphs on the core themes that were part of those political declarations.