

EXECUTIVE SECRETARIAT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The Mission of the Executive Secretariat of the Inter-American Commission on Human Rights is to assist the Commission in fulfilling its function of promoting the observance and protection of human rights and serving as a consultative organ of the Organization of American States on these matters.

Visits and other activities

- Bolivia

At the Bolivian Government's invitation and in response to a resolution passed by the Bolivian Congress recommending that "the Executive Branch request that the Inter-American Commission on Human Rights of the Organization of American States be present to assist with the investigation of the events of October 2003," the Executive Secretary of the Inter-American Commission on Human Rights visited the Republic of Bolivia from February 16 to 20. His was an exploratory visit in anticipation of the visit he will make in 2005.

- Haiti

At the Haitian Government's invitation, a delegation from the Commission visited the Republic of Haiti from September 1 to 3, 2004. The delegation was headed by Commissioner Clare K. Roberts, First Vice President and Rapporteur for Haiti. The visit was the first the Commission had made since the period of armed violence that Haiti experienced in early 2004 and that led to the departure of former President Aristide and the installation of the current transitional government.

Meetings were held with the President of the Republic, Mr. Boniface Alexander; the Prime Minister, Mr. Gérard Latortue; the Minister of Foreign Affairs, Mr. Yvon Siméon; the Minister of Justice and Public Safety, Mr. Bernard Gousse; the Minister of the Interior, Mr. Hérard Abraham; the Minister of Women's Affairs, Mrs. Adeline Magloire Chancy; the Director General of the National Police of Haiti, Mr. Leon Charles; and the Ombudsman of Haiti, Mr. Necker Dessables. The delegation also met with representatives of various sectors of civil society and with international agencies.

At the end of the visit, the Commission issued a press release with a preliminary report, available at www.cidh.org. The following are some of the observations in that report:

- Based upon the information gathered during its visit, the Commission remained concerned over the precarious political situation in Haiti as well as the many serious problems that the state continued to face in protecting human rights. At the same time, the Commission came away with a sense of hope that the present government, in cooperation with the international community, would seize this opportunity to break away from the difficulties of the past and move Haiti toward a future in which the rule of law, democracy, and respect for human rights could be fully realized.
- The Commission was particularly concerned regarding the security situation in Haiti, where armed groups appeared to control security in significant areas of the country and where the state was not providing effective protection to the people living in those regions. The Commission emphasized the state's obligation to guarantee the safety of its population and to ensure their right to judicial protection, and called upon the Haitian state, in collaboration

with the international community, to take the urgent steps necessary to disarm these groups and ensure the security of the people.

- The Commission also emphasized the importance of the elections to be held in Haiti, planned for 2005, which would provide an opportunity to establish greater stability for the future of the country. In this and all other challenges facing Haiti and its people, the Commission called upon the international community to provide Haiti with the support and assistance necessary to break away from the difficulties of the past and move Haiti toward a future in which the rule of law, democracy, and respect for human rights could be fully realized.
- The Commission thanked the Government and people of Haiti for the cooperation, facilities, and hospitality provided in the course of the Commission's visit; the OAS Special Mission for its vital assistance in organizing and executing the visit; and the nongovernmental organizations, civil society institutions, and international organizations concerned for their valuable participation in the Commission's activities.

- Guatemala

The Commission's Special Rapporteur on the Rights of Women visited Guatemala. Made at the invitation of the Government of President Oscar Berger and at the request of representatives of civil society who were disturbed over the number of murders and other forms of violence being committed against women in Guatemala, the visit was from September 12 to 18, 2004. The Rapporteur met with the highest-ranking authorities of the Guatemalan state and with victims, relatives of victims, members of the academic community, and civil society organizations involved in defending and promoting women's rights in Guatemala City, Escuintla, Villanueva, Palín, and Santa Cruz del Quiché.

The visit took place in a year that marked the 10th anniversary of the American Convention for the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belém do Pará"), which upholds women's right to live free from violence and discrimination and to have access to effective justice to protect these rights. It is worth noting that Guatemala signed and ratified the Convention on April 4, 1995.

The Rapporteur on Women's Rights offered some initial observations on the visit, which are available at www.cidh.org. Those observations can be summarized as follows:

- Violence against Guatemalan women these days is also rooted in the violence, discrimination, and exclusion that gripped the country during its 36 years of civil conflict. The peace accords contain a series of important commitments to combat and overcome the obstacles that stand in the way of the enjoyment of these human, and specifically, women's rights. A number of these commitments remain pending, and must be carried out. They include: defining sexual harassment as a crime subject to public prosecution, a review of civil and criminal legislation to eliminate all forms of discrimination based on gender, equal participation in decision making, equal access to education, and obligations to provide health care benefits, among others.

- El Salvador, Guatemala, and Honduras

On December 4, 2004, the IACHR and the United Nations Children's Fund (UNICEF) completed a joint visit to El Salvador, Guatemala, and Honduras. The Commission's delegation was composed of the Rapporteur on the Rights of Children, Commission member Paulo Sergio Pinheiro, who also served as an independent expert of the United Nations for the Secretary-General's study on violence against children. Also on the delegation was the Special Rapporteur on the Rights of Persons Deprived of Freedom, Commissioner Florentín Meléndez.

In keeping with the Rules of Procedure of the IACHR, Dr. Florentín Meléndez, a Salvadoran national, did not participate in the visit to El Salvador. UNICEF was represented by Dr. María Jesús Conde, Child Protection Adviser for Latin America and the Caribbean. The main objectives of the visit were to gather information on the situation of children and adolescents involved in groups known as *maras* or *pandillas* (gangs), and to learn about the living conditions of persons deprived of freedom. The delegation met with the President of Honduras, the Honorable Ricardo Maduro; the Vice President of Guatemala, Eduardo Stein; and the Vice President of El Salvador, Ana Wilma Albanez de Escobar. It also met with other high-ranking officials and representatives of civil society.

At the conclusion of their visit, the IACHR and UNICEF expressed concern over the human rights situation of thousands of children and adolescents who belong to the *maras* or *pandillas*, or did so in the past. They pointed out that they were aware of the violence and insecurity caused by the gangs and offered their solidarity to the victims of such actions. At the same time, they emphasized that the right and the obligation of states to ensure public safety were not incompatible with respect for human rights.

They observed that many children from the poorest sectors of the population lacked access to education, food, housing, health care, personal safety, family protection, and employment opportunities. Faced with that situation, many chose to join the *maras* or *pandillas* in search of support, protection, and respect. After joining, they usually lived together in their urban communities, for the avowed purpose of mutual care and defense, and of defending the neighborhood in which they lived against rival *maras* or *pandillas*. Many carry weapons and engage in criminal activities, including homicide, robbery, theft, and armed confrontations with other gangs—often with fatal results. In the months ahead, a report will be prepared on the situation of children and adolescents who belong to *maras* or *pandillas* in the countries visited.

- Colombia

Between July 11 and 17, 2004, a delegation from the Commission traveled to Colombia to apprise itself firsthand of the initiatives undertaken to demobilize lawless armed groups and to see what the applicable laws were and what mechanisms were in place to ensure that the process was carried out in accordance with Colombia's international obligations. The delegation was composed of the Second Vice President and Rapporteur for Colombia, the Executive Secretary of the Commission, and one administrative assistant.

The Commission's delegation met with high-ranking government officials, including the following: the Vice President of the Republic, Francisco Santos; the Minister of Foreign Affairs, Carolina Barco; the Minister of Defense, Jorge Alberto Uribe Echavarría; the High Commissioner for Peace, Luis Carlos Restrepo Ramírez; and the Attorney General of the Nation, Luis Camilo Osorio. The delegation also visited the MAPP/OAS offices in Bogotá, where it was welcomed by Sergio Caramagna and his team. It traveled to Medellín, where it met with Mayor Sergio Fajardo Valderrama and the officials in charge of the program for demobilization of the *Bloque Cacique Nutibara*, and with officials of the Office of the Special Prosecutor (*Fiscalía Especializada*) of Medellín and members of what is known as the Facilitating Commission (*Comisión Facilitadora*) of Antioquia.

The delegation of the IACHR also met with representatives of various civil society organizations, including peace organizations, human rights organizations, and members of the Church. During its stay in the city of Medellín, the IACHR had the opportunity to hear the views of persons who had benefited from the collective demobilization of members of the *Bloque Cacique Nutibara*, affiliated with the organization known as "Corporación Democracia." In addition, the IACHR received complaints of human rights violations in the neighborhoods and districts in which this AUC *Bloque* operates.

Once the visit was completed, the IACHR analyzed the situation based on information obtained through contacts with other entities of the international community, civil society, the government, and its on-site observation. Having considered all of the above, the IACHR adopted a report on the issue of demobilization of lawless armed groups, in the framework of its authority to publish reports and its mission of promoting and protecting human rights in the member states. The report is an initial examination of the negotiations between armed actors and the Government of Colombia with the participation of the MAPP Mission as verifier, and the challenges vis-à-vis the state's international obligations in the area of human rights. It sets forth the conclusions that the Commission reached from its impartial observation of the situation, and includes a series of recommendations for those who are participating actively in the situation. It also has a number of recommendations for those taking active part in the process.

- Argentina

A Commission delegation headed by the Rapporteur for Argentina visited the country from December 12 to 18, to follow up on the cases pending with the Commission and, in particular, to view the situation of persons in detention in the Province of Mendoza.

- The Caribbean

One of the Commission's priorities was to strengthen its work with the Caribbean countries, especially the English-speaking countries and Haiti. As part of this effort, trips were made to and seminars conducted in Antigua and Barbuda, Barbados, Belize, Jamaica, Haiti, Trinidad and Tobago, and Saint Kitts and Nevis. CARICOM invited the Commission to participate in the meeting of its Legal Affairs Committee, to be held in Suriname, and in the meeting of the Council of Legal Education.

Fellowships

The Commission carried on its "Rómulo Gallegos Fellowships" program in 2004. During the course of the year, the Commission welcomed 10 Rómulo Gallegos fellows: five in the first half of the year, corresponding to the 2003-2004 period, and five in the second half of the year, corresponding to the 2003-2004 period. It also welcomed another fellow under its indigenous attorneys training program. Finally, the Commission continued a special fellowship for attorneys from the English-speaking Caribbean, and instituted another for the French-speaking countries, focused on the work in Haiti.

Rapporteurs

- Women's rights

The Special Rapporteur on Women's Rights conducted a number of activities between March and October 2004, especially on the subject of women's access to justice and their right to live free from violence and discrimination. Figuring prominently among these activities was a visit made to Guatemala from September 12 to 18, 2004, to examine the situation of the murders and other forms of violence perpetrated against women in that country. The Rapporteur praised the openness with which she was received by the government representatives with whom she met, and the transparency and expeditiousness with which they provided the information requested. She also mentioned the vital role that Guatemalan women are playing in strategies and efforts to promote their fundamental rights, and the dignity and trust shown by the victims and their families as they recounted their painful testimony. The visit's initial findings and recommendations are available at the Commission's web page [CIDH \(www.cidh.org\)](http://www.cidh.org). The Special Rapporteur is preparing a report containing specific recommendations, which will shortly be presented to the Commission.

- Indigenous peoples' rights

The Special Rapporteur for indigenous peoples' rights continued to advise the Working Group charged with preparing the Draft American Convention on the Rights of Indigenous Peoples. The IACHR is grateful for the member states' efforts in preparing the Draft and is pleased with the progress made, both in terms of substantive progress in the discussion of the text and in actively involving representatives of the indigenous peoples in the drafting process. The Rapporteur has continued to cooperate in processing petitions having to do with the rights of indigenous peoples. There has been a notable increase in the number of collective complaints alleging violations of the right to life, the right to humane treatment, and of indigenous peoples' right to communal property and to their cultural identity. In September 2004, the Rapporteur participated in the visit made to Guatemala. During that visit, information was received from organizations of indigenous women about patterns of discrimination based on ethnic origin. That discrimination was present in various realms of everyday life in Guatemala. As for promotional activities, the Rapporteur joined PAHO in participating in the "Training Workshop on the Human Rights of Persons with Disabilities Living in the Region of Gracias a Dios, Honduras."

- The rights of children

The Special Rapporteurship on the Rights of Children recently completed a program to support children's rights, carried out on the basis of a cooperation agreement signed with the IDB. Under that agreement, the Rapporteurship published the book titled "The Rights of the Child in the Inter-American System for Human Rights," in English, Spanish, and Portuguese. The focus of the Rapporteurship's work during this period was on the situation of children and adolescents in trouble with the law. It is disturbed by some public policies and changes to the law being proposed that make punishment of children and adolescents in trouble with the law the centerpiece of the solution for dealing with such children, without taking into account international guidelines on the subject. In this connection, the Rapporteur is preparing to visit some Central American countries to look into this situation.

- Rights of migrant workers and their families

On April 16, 2004, the Special Rapporteur for this topic participated in the special meeting held by the Working Group of the Permanent Council's Committee on Juridical and Political Affairs charged with preparing an inter-American program to promote and protect the human rights of migrants, including migrant workers and their families. Later in the year, on September 30, 2004, he represented the IACHR at the working meeting on "Identification of proposals, best practices, and concrete activities" for preparation of that program. The Special Rapporteur also represented the IACHR at the 92nd meeting of the International Labour Conference, held in Geneva, Switzerland, in June 2004.

- Rights of persons deprived of their liberty

The rights of persons deprived of liberty and the conditions under which such persons are held continues to be a serious problem detrimental to the human rights of the people of the region. The Rapporteur for this topic prepared a three-year work program and presented it to the Commission. It involves activities aimed at promoting the development of standards in the inter-American system, through adoption of an inter-American declaration on principles, guarantees, and minimum standards for the protection of persons deprived of their liberty. It also involves activities to prepare a report on incarceration conditions in the Americas, which includes visits to various countries of the Hemisphere and the gathering of pertinent data on this subject. Finally, the plan also makes provision for a number of activities to promote an awareness of this problem.

- Right to freedom of expression

The Special Rapporteurship on Freedom of Expression is a permanent office, functionally independent, and with a budget of its own. It was created by the Commission and operates within its legal framework. The Special Rapporteurship reported that in a number of member states, the incidence of violence against journalists and against persons who voice their opinions is on the rise. The Special Rapporteurship organized seminars in Honduras, El Salvador, and Guatemala, intended to provide instruction on the law regarding freedom of expression in the inter-American system. Promotional materials have recently been published, such as the book “Access to Public Information in the Americas.” A CD was released containing a collection of materials within the inter-American system related to exercise of free speech. A new version of the Internet portal also came online.