

Commemoration of the 65th Anniversary of the IACHR

190th Period of Sessions

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*Remarks by IACHR President, Commissioner **Roberta Clarke***

Ambassadors, Permanent and Alternate Representatives of the Member and Observer States of the OAS

Commissioners, Executive Secretary and staff of the Executive Secretariat of the IACHR

Good morning. My name is Roberta Clarke and I am the President of the Inter-American Commission on Human Rights. I am honoured to share some thoughts on the occasion of the commemoration of the 65th anniversary of the IACHR.

Condensing the extensive work done by the IACHR and giving an account of its impact is a challenge. But there can be no doubting that the States and the peoples of the Americas and the Caribbean maintain a trust in the integrity of the Commission and rely on its attention to support and hold states accountable for ensuring rights and maintaining democracy and the rule of law.

Over the last 65 years, the IACHR has contributed to the evolution of the twin principles of equality and non-discrimination. These are non-derogable. In other words, there are no circumstances that can justify different and negative treatment based on identity or social status. There are no circumstances when these obligations of the state can be suspended. The IACHR has made progress in the development of concepts such as structural discrimination, and indirect discrimination. The IACHR has also made visible how the intersection of identities and risks can accentuate human rights violations against individuals, groups and collectives in special situations of vulnerability and historical discrimination.

The establishments of rapporteurships on women, indigenous peoples, people in mobility, children and adolescents, Afro-descendants, persons deprived of liberty, LGBTI persons, persons with disabilities, and the elderly illustrate the centrality of equality within the Commission.

If you will allow me to focus on gender inequality, in emblematic cases such as Maria De Penha and Jessica Lenahan, the Commission found that State responsibility under the due diligence standard can be implicated for failure to protect women from violence perpetrated by private actors when the authorities knew, or ought to have known, that the victims were at risk. The Commission has addressed femicides, the disappearances of women and girls, violence and discrimination against LGBTI people and the failure to investigate and prevent these violations. Impunity, we have reiterated fosters an environment conducive to the repetition of such acts of violence.

In merit reports, and thematic reports, the Commission has called attention to the historical discrimination that indigenous people and people of African descent have endured and continue to experience. Marginalization means that they are excluded from the processes of defining laws and policies relating to their individual and collective rights. They have been victims of armed conflicts in the region, racialised policing and face the consequences of extractive activities that are being carried out in their territories.

And so, whilst calling for more and inclusive laws and policies and their effective implementation, the Commission is clear that this is most reliably achieved where the population is engaged and participating in governance. Effective participation obligations are not sufficiently met by having consultations. It is also necessary to incorporate the contributions that emanate from them in decision-making throughout the public policy cycle. Over and over, for example, the Commission has required states to ensure free prior and informed consent in relation to the use and management of the lands of indigenous populations.

Participation should not be confused with the will of the majorities. Majoritarian politics that seek to employ notions of culture and tradition to justify oppression and discrimination of groups that have historically been discriminated against ought not to be maintained.

Today more than ever it is necessary to remember that the ideals that inspired the creation of the Inter-American Human Rights System, the respect for the dignity of the human person and guarantee freedom and participation, are valid. There are old and newer threats to

democracy, including inequalities, violence, insecurities and dis and misinformation that can severity distort the trust of citizens in public institutions and deter their participation.

And so it is essential to consolidate democratic institutions, the rule of law and economic and social development throughout the region. The how of achieving these outcomes can involve the state in a difficult balancing act. Still the Commission insists that security can be achieved and will be best sustained where there is rule of law and freedom of expression. We say that economic growth is not the same thing as socio-economic development. Everyone has the right to a healthy environment and land resources have to be managed and conserved for the benefit of the many now and for the future generations.

And the Commission recognises that regional cooperation is required to address the needs of so many people who are forced to move to seek refuge from political persecution, economic crisis and or who are affected by climate change impacts.

It is worth noting in this 65th year of the Commission, that our independent human rights system can only contribute to more rights for more people with the constructive support of the States and civil society.

The Commission holds itself to the standard of impartiality, and remains committed to speaking the hard truths, and providing technical support to states. The people of te region expect nothing less.

I thank you for your attention.