

AG/RES. 2037 (XXXIV-O/04)

STUDY OF THE RIGHTS AND THE CARE OF PERSONS UNDER  
ANY FORM OF DETENTION OR IMPRISONMENT

(Adopted at the fourth plenary session, held on June 8, 2004)

THE GENERAL ASSEMBLY,

HAVING SEEN the chapter on this topic in the Annual Report of the Permanent Council to the General Assembly (AG/doc.4265/04 add. 3 corr. 1) and resolutions AG/RES. 1897 (XXXII-O/02) and AG/RES. 1927 (XXXIII-O/03);

BEARING IN MIND:

That consultations with the member states on this subject have continued within the Committee on Juridical and Political Affairs and that a number of them have replied to the questionnaire prepared for that purpose (CP/CAJP-1853/01 rev. 1);

The presentation on December 4, 2003, of the Inter-American Commission on Human Rights (IACHR) to the Committee on Juridical and Political Affairs (CP/CAJP-2096/03), pursuant to resolution AG/RES. 1927 (XXXIII-O/03);

That the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas decided to draft a document to protect the fundamental rights of detained persons (REMJA-IV/doc.24/02 rev. 2); and

The recommendations of the First Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States (GAPECA/doc.04/03), held in Washington D.C., on October 16 and 17, 2003, and the recommendations for hemispheric cooperation on penitentiary and prison policies issued at the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, held in Washington, D.C., from April 28 to 30, 2004 (REMJA-V/doc.7/04 rev. 4); and

WELCOMING the strengthening by the IACHR of the Special Rapporteurship on the Rights of Persons Deprived of Freedom, through the appointment of a Special Rapporteur,

RESOLVES:

1. To instruct the Permanent Council to continue studying the question of the rights and the care of persons under any form of detention or imprisonment, in cooperation with the competent organs and agencies of the inter-American system and taking into account the conclusions and recommendations of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V/doc.7/04 rev. 4), including the report of the First Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States (GAPECA/doc.04/03).

2. To urge those member states that have not already done so to reply as soon as possible to the questionnaire entitled: "Study of the Rights and the Care of Persons under Any Form of Detention or Imprisonment" (CP/CAJP-1853/01 rev. 1).

3. To request the Inter-American Commission on Human Rights (IACHR) to report on the situation of persons under any form of detention or imprisonment in the Hemisphere and to compile, using as a basis its work on the subject, the regional and global parameters for detention and imprisonment policies in the member states and to make reference to any problems and good practices observed.

4. To encourage member states to invite the Special Rapporteur on the Rights of Persons Deprived of Freedom of the IACHR to visit their countries.

5. To call upon member states to consider allocating more funds to the IACHR to enable it to support the effective fulfillment of the mandate assigned to its Special Rapporteur on the Rights of Persons Deprived of Freedom.

6. To reiterate to the Permanent Council that, on the basis of the discussions held and the studies conducted, it should consider the advisability of preparing, in due course, an inter-American declaration on the rights and the care of persons under any form of detention or imprisonment.

7. To request the Permanent Council to report to the General Assembly at its thirty-fifth regular session on the implementation of this resolution.