

PROMOTION AND PROTECTION OF HUMAN RIGHTS^{1/2/3/4/5/6}

(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 2015-2016” (AG/doc.XXXX/16), 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 as well as 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 the subject, and the important role played by the organs of the inter-American human rights system in promoting and protecting human rights in the Americas;

RECALLING resolutions 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), AG/RES. 2867 (XLIV-O/14), 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/DEC. 71 (XLIII-O/13), and 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, it 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 the...
 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 in that area, 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 to continue pursuing implementation of the applicable and current mandates contained 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 Organization of American States (OAS) and to instruct it to work on the promotion of the topics over which it has jurisdiction included 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 “member 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”;

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 against,

RESOLVES:

TO INSTRUCT:

1. The General Secretariat and the Inter-American Commission on Human Rights, in collaboration with the member states, to continue disseminating and promoting the rights of people of African descent; prepare and implement projects to promote, protect, and guarantee their rights, within the Organization and in the member states; and publicize and promote 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.

2. The Inter-American Commission on Human Rights 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 applicable, the inter-American instruments on human rights protection, including the Inter-American Convention against Racism, Racial discrimination and Related Intolerance and 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 OAS Permanent Council's Committee on Juridical and Political Affairs to foster the exchange of best practices and experiences in the 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 the United Nations Guiding Principles on Business and Human Rights, among other initiatives.

ACKNOWLEDGING FURTHER the important contributions of businesses, including micro-enterprises and cooperatives, to sustainable development based on responsible, dynamic, and efficient corporate behavior, which protects labor rights and health and environmental requirements, in keeping with the relevant international regulations and agreements and 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 institutions to disseminate these principles as broadly as possible, promoting the exchange of information and sharing best practices on the promotion and protection of human rights in business, in order to raise awareness about the benefits of applying them and invite all member states to constructively participate in initiatives related to effective observance of human rights by businesses;

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

3. To request that the General Secretariat, Inter-American Commission on Human Rights (IACHR) and the Executive Secretariat for Integral Development (SEDI) to collaborate, within the sphere of their responsibilities and as requested by member states, in the promotion and implementation of state and business commitments in order to contribute to the progressive development of standards in the area of human rights and business, including, among other initiatives, support to develop national action plans on human rights and business as one way of applying the Guiding Principles; and

4. To request that the Inter-American Commission on Human Rights conduct, by the last half of 2016, a study on inter-American standards on business and human rights based on an analysis of conventions, case law, and reports issued by the inter-American system, which could be an input for the efforts made by member states in various national and international initiatives regarding business and human rights. This mandate shall be subject to the necessary

financial resources being identified. In pursuance of the foregoing, to ask the Inter-American Commission on Human Rights to report to the Permanent Council during the first quarter of 2017 on the outcomes of that study.

iii. Conscious and Effective Regulation of Business in the Area of Human Rights

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

EMPHASIZING that states have an obligation and the primary responsibility for promoting and protecting human rights and fundamental freedoms, and 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;

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

RESOLVES:

1. To call upon the 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 the member states to consider their participation in national or regional or 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 alternatives for addressing the issue, which will be submitted for the consideration of the Permanent Council within one year; and, additionally, require the organs of the Inter-American Human Rights System to make contributions and share experiences on the process. The execution of the mandate envisaged in this resolution shall 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 commemorative process to mark the 30th anniversary of the 1984 Cartagena Declaration on Refugees (Cartagena+30), conducted in 2014, highlighted new challenges regarding international protection for refugees, displaced and stateless persons in the Americas, through active participation by the countries of Latin America and the Caribbean, in collaboration with international and civil society organizations and other social actors;

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” (“Brazil Declaration”) 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” (“Brazil Plan of Action”), adopted on December 3, 2014, as the new strategic framework for the protection of refugees, those seeking refugee status, displaced and stateless persons.

RESOLVES:

1. To urge all States to continue defending and observing the international principles for the protection of refugees and those seeking refugee status, especially the principle of non-refoulement.
2. To recognize and reaffirm the full and ongoing validity and the fundamental importance of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol as the principal instruments for the protection of refugees and to reaffirm the commitment of the States Parties to those instruments to abide by the obligations therein fully and effectively, 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, based on 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 vital role of international cooperation in the search for and strengthening of admission mechanisms and lasting 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 refugees-receiving countries of the Hemisphere and of other regions that so require and to work in cooperation with the 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 Plan of Action and the Brazil Declaration and Plan of Action and the UNHCR's global campaign known as #IBELONG, as the global and sub-regional strategic framework for ending statelessness.

2. To underscore the importance of the conventions on statelessness; and to invite member states that as yet have not done so to consider ratifying them or acceding thereto, as the case may be, and also to invite member states to establish fair and efficient procedures for determining statelessness, and to 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, to include appropriate safeguards to prevent cases of statelessness, promote civil registry, and to duly resolve existing cases of statelessness, in line with their international obligations relating to human rights and statelessness.

vi. Internally Displaced Persons

EMPHASIZING that the states have the primary responsibility to respect, promote, and protect the human rights of all persons within their territory and subject to their 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 territories and calling on them to do so, when appropriate, 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 consider the advisability of incorporating the "Guiding Principles on Internal Displacement," prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons, into their domestic laws and apply them in designing and implementing plans, policies, and programs in support of displaced persons.

vii. International Migration and Protection of the Rights of Migrants

RECALLING the principles and norms 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 the human individual are not derived from the fact that a person is 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 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 and highlight the economic, social, and cultural benefits of diverse and pluralistic societies; vigorously condemn all manifestations or acts of racism, discrimination, xenophobia, and related intolerance toward migrants in connection with access to employment, professional training, housing, education, health care services, social services, and public services.

3. To express concern over the increasing activities of transnational and domestic organized crime and others that benefit from crimes against migrants, especially against migrant women and children, and to encourage states that have not yet done so to enact domestic laws and adopt more effective measures to combat trafficking in persons and smuggling of migrants and to intensify international cooperation efforts to combat these crimes.

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

HIGHLIGHTING that to date, sixteen 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 shall 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;

MINDFUL that AG/RES. 2823 (XLIV-O/14) requested that Technical Secretariat of the Working Group 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 operations in its review of the reports; and that the Rules of Procedure and Other Provisions of the Working Group, distributed by means of 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 and ratifying, ratifying, or acceding to, as the case may be, 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 observers, and national or international public or private persons or entities 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; as defined in Article 74 of the General Standards To Govern the Operations of the General Secretariat and other OAS provisions.

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, as necessary, submit to the General Assembly any adjustments and clarifications required to ensure the Group's smooth operations 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 the relevant name indicated in domestic legislation, in the promotion and protection of the right of access to justice by all persons and, most especially, by those who are in situations of particular vulnerability;

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," prepared by the AIDEF;

RESOLVES:

1. TO ENCOURAGE states and official public defense institutions, where appropriate, to ensure absolute respect for the work of public defenders and public institutions providing legal aid in the pursuit of their functions, conducted free from undue interference and constraint from other branches of the government.

2. TO PROMOTE the development by official defense institutions, in accordance with their autonomy and where appropriate, of instruments to systematize and record cases of reported torture and other inhumane, cruel, and degrading treatment, which will 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 freedom, recognizing that public defenders are key players in preventing and reporting torture and other inhumane, 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 on training 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 various 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 Members of Their Families

REAFFIRMING the responsibility of the States to continue the necessary efforts to alleviate the suffering, anxiety, and uncertainty experienced by the family members of persons reported disappeared, as a result of armed conflicts, armed violence, migration, or natural disasters, among others, in order to meet their diverse needs and fulfill their right to truth and justice and, where appropriate, to reparation for harm caused;

RECALLING that forced disappearance is a multiple and continuous violation of many human rights, the widespread and systematic practice of which constitutes a crime against humanity, according to applicable international law;

UNDERSCORING the experience in several States of using mechanisms to address the needs of family members; the development of forensic sciences and their important contribution to the search operations for missing persons, and the documents and tools developed by the International Committee of the Red Cross and other organizations with experience in searching for missing persons and meeting the needs of family members; and the minimum psychosocial working standards for search and forensic investigation processes for cases of forced disappearance and arbitrary or extrajudicial executions;

RESOLVES:

1. To urge member states, in keeping with their obligations in matters of 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, paying particular attention to the disappearance of groups in conditions of vulnerability;

- b. Address cases of disappeared migrants, as well as children reported missing, in order to find them, identify them, and, where possible, reunite them with their families and promote regional technical care and judicial cooperation;
- c. Clarify the whereabouts and fate of the disappeared persons to provide a rapid response to their families, with the possibility of establishing mechanisms to search for the missing persons, so as to provide a framework for a broad, comprehensive investigation and, in the case of death, prioritize the humanitarian objective of recovery, identification, restitution, and dignified burial of the human remains, without sacrificing compliance with the obligations to investigate, prosecute, and punish those responsible for the disappearances;
- d. Meet the needs of the family members, such as knowing what happened to their loved ones; recovering the human remains and giving them a dignified burial according to their customs and traditions; settling legal and administrative problems through a comprehensive domestic legal framework that recognizes the legal status of missing persons, such as “certificate of absence by reason of disappearance;” receiving economic support, psychological and psychosocial counseling; accessing justice; conducting memorials and commemorations; obtaining compensation and reparations; among others, bearing in mind the priorities of the family members;
- e. Guarantee the participation and representation of the victims and their families in the related proceedings; access to justice and to mechanisms through which they may obtain fair, prompt, and effective reparation; and provisions to protect victims and witnesses coming before criminal courts and in other transitional justice mechanisms, whose security and personal safety is affected 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, to include the challenges associated with migrants reported missing, in keeping with internationally recognized scientific standards and procedures;
- g. Guarantee the proper handling of information, including the personal data of missing persons and their family members, through the creation of centralized databases that gather, protect, and manage the information, in accordance with national and international laws and legal provisions.

2. To encourage member states to ratify or accede to the Inter-American Convention on Forced Disappearance of Persons and to the International Convention for the Protection of All Persons from Enforced Disappearance; to implement them in domestic legislation and recognize the competence of the Committee on Enforced Disappearances; and to share best practices and experiences; 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; and urge the member states to continue cooperating with the International Committee of the Red Cross (ICRC) by facilitating its work and welcoming its technical recommendations, with a view to consolidating the measures taken by states in searching for missing persons and in caring for their family members.

3. To encourage member states to promote the national plan to adopt measures related to the provisions of the resolution “People Who Have Disappeared and Assistance to Members of Their Families,” adopted by the General Assembly in 2005, and to provide regular updates on the matter, charging the Committee on Juridical and Political Affairs with including the dissemination of this information in its agenda prior to the 48th regular session of the OAS General Assembly.

xii. Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights^{7/}

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

UNDERSCORING the importance that the Inter-American Court of Human Rights has in the effective protection of human rights in the hemisphere, through the carrying out of its adjudicatory and advisory functions;

RECOGNIZING the importance of continuing to extend invitations to hold sessions outside of the headquarters of the Inter-American Court, given its importance as an initiative to spread and promote human rights and the constructive nature of the hearings to oversee compliance.

RESOLVES:

1. To reaffirm the fundamental 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 the rule of law.

2. To reaffirm its commitment to attain full financing of the Inter-American Court through the Regular Fund of the OAS, without prejudice to the financing of the other mandates of the Organization. While that commitment is fulfilled, to invite member states, observer states, and other institutions to continue to make voluntary contributions to the Inter-American Court. The member states and other institutions are also invited to continue to make their contributions to the legal assistance fund for victims.

xiii. Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights⁸

RECOGNIZING the work of the Inter-American Commission on Human Rights in fulfilling its function of promoting, observing, and defending human rights and as serving as an advisory body in this area, in particular for the development of standards for protecting human rights on such crosscutting issues as equality and nondiscrimination through its thematic, country, and case reports; the conduction of observation and working visits; the implementation of innovative mechanisms to provide technical advice and promote justice in member states; the progress made in updating the individual cases and petitions system to facilitate access to justice by victims of human rights violations; the promotion of the use of the friendly settlement mechanism; the organization of human rights outreach and training activities; and the convening of public hearings as an inter-American forum for human rights in the region.

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 ...

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REITERATING the importance of all the Organization's member states ratifying or adhering to, as applicable, the inter-American conventions, declarations, and protocols governing human rights, particularly the American Convention on Human Rights;

CONSIDERING that compliance with the decisions of the agencies of the inter-American human rights system is an element in ensuring the full effect and observance of human rights in the OAS member states and in contributing to the consolidation of that system's legitimacy,

RECOGNIZING that the Commission has stated that "The establishment of peace in Colombia is a fundamental condition to guarantee its inhabitants respect for their fundamental rights" and that "the Commission commends the steps toward a final agreement" and to this end, underscores the valuable contribution offered by the Inter-American Commission on Human Rights to the State and the Colombian society as a whole to assist with this process.

RESOLVES:

1. To reaffirm the member states' commitment toward the Inter-American Commission on Human Rights.

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

3. To reaffirm its commitment to attain full financing of the IACHR through the Regular Fund of the OAS, without prejudice to the financing of the other mandates of the Organization. While that commitment is fulfilled, to invite member states, observer states, and other institutions to continue making voluntary contributions. In this context, to encourage member states to continue to extend invitations to the Commission to make observation and working visits and to hold special meetings in the member states. Also to encourage the IACHR to continue submitting its financial and resources report that is customarily included in its annual report.

xiv. Gender Equity and Geographic Representation and Legal Systems Representation in the Inter-American Court and the Inter-American Commission on Human Rights

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

RESOLVES:

1. To encourage States, in the selection process of judges to the Inter-American Court of Human Rights and commissioners to the Inter-American Commission on Human Rights, to nominate and elect persons that would ensure a balanced makeup, with representation from the different regions, population groups, and legal systems of the Hemisphere, thereby guaranteeing compliance with the requirements for independence and impartiality and recognized competence in human rights matters.

2. To instruct the Permanent Council to invite the candidates put forward by member states for the positions of judge on the Inter-American Court of Human Rights and

commissioner of the Inter-American Commission on Human Rights to give a public presentation to the Council prior to the elections, to the extent possible, in order to describe in greater detail their vision, proposals, and the initiatives they would undertake should they be elected. These presentations will be made, if possible, in the same meeting of the Council, and would 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 further recalling that this definition is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application;

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 on December 17, 2015 (Resolution A/RES/70/175), and urging the effective application thereof;

RESOLVES:

1. To urge the States to consider the content of resolution AG/RES.2829, approved June 4, 2014 by the General Assembly of the Organization of American States, and resolution A/RES/70/146, approved by consensus on December 17, 2015 by the United Nations General Assembly.

2. To reaffirm the absolute and irrevocable prohibition of torture and other cruel, inhumane, and degrading treatment or punishment, and the need to adopt effective measures to prevent these acts – particularly in places of deprivation of liberty – including the implementation of effective prevention mechanisms and judicial and procedural guarantees, as well as education and training activities for personnel that may be charged with the custody, interrogation, or treatment of persons subject to any form of arrest, detention, or reclusion.

3. To urge all States to adopt a perspective bearing in mind gender issues in the fight against torture and other cruel, inhumane, and degrading treatment, paying special attention to violence based on gender, sexual orientation, and gender identity, and taking into account relevant international instruments; and to adopt specific measures addressing health, to combat this discrimination that is often underlying in torture and other abuse committed against them, particularly to guarantee sexual and reproductive rights and the right to access sexual and reproductive health services free of discriminatory stereotypes that lead to situations of torture or other types of gender-based abuse.^{9/}

4. To urge States to implement effective resources for fair and adequate reparation, restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition to victims of torture and other cruel, inhuman, or degrading treatment or punishment, taking into full account the specific needs of the victim; to further urge States to ensure that victims are granted prompt access, without discrimination of any kind until they obtain the maximum level of rehabilitation possible, to adequate rehabilitation services and considering the possibility of offering rehabilitation to immediate family members or dependents of the victims, as well as those who have been harmed in intervening to help the victim in danger or to prevent victimization;

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

CONSIDERING that recognizing the identity of persons facilitates the enjoyment of human rights, including the right relating to nationality, enshrined in international instruments like the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, understanding that the exercise of these rights is essential to consolidate all democratic societies;

RECOGNIZING the work conducted 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), in which the OAS currently acts as Executive Secretariat, has been the international forum since 2005 that promotes the “Right to Identity” and civil registration in the region,

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 ...

through interinstitutional ties, as well as the exchange of knowledge and experiences among the institutions charged with registering persons and their identification and recording vital statistics;

RESOLVES:

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

2. To convene the Third Regional Conference of Latin American and the Caribbean on the Right to an Identity and Universal Birth Registration, as well as the First Meeting of Ministers and National Authorities of the Americas on the Right to an Identity, both to be held in the third quarter of 2016, to develop recommendations to strengthen institutional registry capacity; to measure the registration of persons using a uniform methodology that includes all people and to discuss and adopt strategies to implement on the matter through 2030, which will in turn enable fulfillment of the Sustainable Development Goals issued by the United Nations. To this end, the General Secretariat is instructed, in conjunction with the Inter-American Development Bank, the United Nations Children's Fund, and the Government of Mexico, to organize these meetings.

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

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

BEARING IN MIND the 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 from the Department of Social Inclusion, of the Secretariat for Access to Rights and Equity;

RESOLVES:

1. To encourage OAS member states that are not party to the CIADDIS to accede to and ratify the convention, with a view to stepping up regional efforts in the area of inclusion for persons with disabilities, and to also encourage the states party to the convention that have not yet done so to submit the Second National Report on the implementation thereof, as part of the due monitoring of the progress and challenges reported in the region to prevent and eliminate discrimination against persons with disabilities.

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

3. To congratulate the CEDDIS for its efforts to develop an instructive manual on support and safeguards for exercising the extensive legal capacity of persons with disabilities, and request that the Department of Social Inclusion of the Secretariat for Access to Rights and Equity develop projects and

initiatives to promote this right in the region, reiterating the importance of voluntary contributions to the Specific Fund for the Committee for the Elimination of Discrimination against Persons with Disabilities, created to complement the funding for CEDDIS activities and its Technical Secretariat, and thanking the governments of Chile and Argentina for their recent financial contributions to this fund in 2015-2016, as well as the peoples and governments of Mexico and Guatemala for their generous hospitality and resolved and effective support for ensuring the success of the Fifth and Sixth Meetings of the CEDDIS, respectively.

4. To reiterate the request for the General Secretariat to implement broader efforts to mainstream the perspective for including persons with disabilities, based on awareness of the human rights of those persons, in all OAS actions and decisions, in line with the objectives of the Decade and the 2030 Agenda for Sustainable Development and the United Nations Sustainable Development Goals (SDG).

xviii. Protection of the Human Rights of Older Persons

NOTING with satisfaction the approval of the Inter-American Convention on Protecting the Human Rights of Older Persons on June 15, 2015. This is the first binding international legal instrument on the matter, which has been signed by five OAS member states to date;

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^{10/}

TAKING INTO ACCOUNT that, in its Report on Violence Against LGBTI Persons, the Inter-American Commission on Human Rights (IACHR) notes that “LGBTI persons, or persons perceived as such, are subject to various forms of violence and discrimination based on the perception of their sexual orientation, gender identity or expression” and that “these situations of violence and discrimination are a clear violation of their human rights, as recognized by international and inter-American instruments on human rights”;

RESOLVES:

1. To condemn all forms of discrimination by reason of sexual orientation and gender identity or expression, and 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 in equal access to political participation and in other areas of public life, and to avoid interferences in their private life, encouraging member states to consider adopting public policies against discrimination by reason of sexual orientation and gender identity or expression.

10. 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 ...

2. To condemn acts of violence and human rights violations committed by reason of sexual orientation and gender identity or expression; and to urge 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 these acts and violations and ensuring due judicial protection for victims on an equal footing and that the perpetrators are brought to justice, as well as to consider the recommendation of the Report on Violence Against LGBTI Persons, approved 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 Inter-American Commission on Human Rights (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 the exchange of good practices; and to urge member states to support the efforts of the Commission and the General Secretariat in this area.

xx. Rights of the Child

TAKING INTO ACCOUNT the demographic characteristics of the region, in which 40% of the population is under 18 years of age, and that in subregions like Central America this population sector exceeds 55%;

RESPONDING to the priorities voiced by representatives of the states in the Directing Council of the Inter-American Children's Institute (IIN) and set forth in the 2015-2019 Plan of Action;

TAKING INTO ACCOUNT the convergence of these priorities with those set forth in other international documents such as the 2030 Sustainable Development Agenda, which was adopted at the 2015 Sustainable Development Summit in the context of the 70th session of the United Nations General Assembly (resolution A/RES/70/1),

RESOLVES:

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

2. To encourage educational and communications actions to promote a culture of rights with the firm belief that the approaches of guaranteeing and restoring the rights of the child, promotion of equality, and the gender-based approach are inseparable from the consolidation and deepening of democracies as a lifestyle respectful of the dignity of all persons over and above their differences.

xxi. Strengthening the Inter-American Commission of Women (CIM) for the promotion of gender equity and equality, women’s human rights, and ending discrimination and all forms of violence¹¹

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

BEARING IN MIND the results of the XXXVII Assembly of Delegates of the CIM, held in Lima, Peru, on May 24 and 25, 2016, especially of 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 Work Program of the Inter-American Commission of Women;

RESOLVES:

1. To continue to support the work of the CIM as the leading forum for generating hemispheric policies on gender equality, the empowerment of women and girls, and the exercise of their gender-related human rights, for tackling new emerging and relevant areas, and for following up on the objectives established in the IAP, especially in mainstreaming gender in all OAS activities and, as a priority matter in the ministerial meetings, the OAS General Assembly, and in following up on the mandates and initiatives of the Summits of the Americas.¹²

2. To request the Secretary General to ensure the building the capacities of the CIM in its capacity as a specialized organization of the OAS, providing it with sufficient human and financial resources to fulfill its mandates and implement the results of the XXXVII Assembly of Delegates of the CIM; and with working in close coordination with the Executive Secretariat of the CIM in incorporating an approach that takes account of gender-related matters and promotes the identification of mechanisms to strengthen work done with civil society organizations and other social actors working in the areas of gender and the promotion and protection of the human rights of women and girls, in accordance with the Strategic Plan of the CIM 2016-2020.

3. To instruct the Secretary General to implement institutional policies to further gender equality and gender mainstreaming within the OAS and to report to the General Assembly at its forty-seventh regular session on the progress made.¹³

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 Convention of Belém do Para established that the States Parties condemn all forms of violence against women and the duty of the States Parties to adopt by all appropriate means and without delay policies designed to prevent, punish, and eradicate discrimination and violence against them in the public and private spheres.

11. Paraguay reserves the right to decide on acceptance of internal provisions arising from the General Secretariat in the discharge of its functions that may violate 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, ...

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

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

RESOLVES:

1. To continue to support the work of the MESECVI as a hemispheric referent for preventing, punish, and addressing violence against women and for monitoring the full implementation of the Convention of Belém do Pará, including adjustment of their legislation and implementation, as applicable, of the recommendations of the Multilateral Evaluation Rounds conducted by the Mechanism.

2. To urge the Secretary General to provide the Executive Secretariat of the CIM with sufficient human and financial resources to enable it to optimize its operation as the Technical Secretariat of the Mechanism to Follow Up on Implementation of the Convention of Belém do Pará (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 connected with the purpose of this resolution, its 2016-2017 plan of activities for consultation or proper oversight by member states.

2. To request that the Permanent Council, through the Committee on Juridical and Political Affairs, include in its agenda the following matters covered by this resolution, prior to the forty-seventh regular session of the General Assembly, with a view to promoting exchange of experiences and good 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 OAS Committee on Juridical and Political Affairs on methods being implemented by each public defense 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 defender institutions for legal aid, members of AIDEF, experts from academia and the civil society, as well as 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 disseminated the international standards on the promotion and protection of human rights while countering terrorism.

- “Persons Who Have Disappeared and Members of Their Families”
- “Gender Equity and Geographic and Legal Systems Representation in the Composition of the Inter-American Court and the Inter-American Commission on Human Rights”
- Protection of the human rights of older persons

3. To request the Executive Secretariat of the 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 and, through the Permanent Council, to the General Assembly at its forty-seventh regular session, on the implementation of the mandates contained in this resolution.

4. To instruct the Inter-American Commission on Human Rights to continue to pay special attention to the matters covered by this resolution and falling 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 shall 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 terminologies 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. ... Constitution of the Republic and does not discriminate for any reason, without regard to race, creed, sex, etc. It also does not consider legal nonrecognition of marriage between persons of the same sex to be a discriminatory practice. Therefore, Guatemala takes exception to those parts that are incompatible with and contravene its applicable national law and reserves the right to interpret the terms of this resolution.

4. ... The criteria used are subjective, politicized, and discriminatory and are 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 this chapter, whose existence contravenes the provisions established in the American Convention on Human Rights.

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

Therefore, it expresses its reservation regarding the text contained in paragraph 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; 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 countries of the region. Those features have destroyed the credibility of both institutions that once stood for ethical values and commitment to protect human rights. That was what led the Venezuelan State to denounce the American Convention on Human Rights.

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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.

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12. ... because on those occasions the Heads of State and Government did not adopt the Political Declarations containing the mandates and the operative paragraphs of the thematic axes that were a part of those Political Declarations.