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DRAFT RESOLUTION

PROMOTION AND PROTECTION OF HUMAN RIGHTS

(Considered by the Permanent Council at its regular meeting held on September 29, 2022, and forwarded to the Plenary of the General Assembly with the recommendation that the sections and paragraphs that are ad referendum, under consultation, or pending be referred to the General Committee for consideration - reflects the changes requested by delegations as of September 30, 2022)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law and those contained in the Charter of the Organization of American States (OAS), international human rights law, and international humanitarian law, binding inter-American instruments on the subject, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, as pertinent; 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 declarations AG/DEC. 71 (XLIII-O/13) and AG/DEC. 89 (XLVI-O/16), as well as resolution AG/RES. 2976 (LI-O/21) and all previous declarations and resolutions adopted on this subject;

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly, December 2021 - October 2022” (AG/doc.xxx/22), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); and

CONSIDERING that the programs, activities, and tasks set out in the resolutions under the purview of the CAJP help further the essential purposes of the Organization enshrined in the Charter of OAS,

[COL:

RECOGNIZING the importance of incorporating a crosscutting gender perspective to afford women and vulnerable groups a greater role in public policy formulation, and reaffirming the commitment to combating different forms of oppression, inequality, and violence based on gender, socioeconomic status, race, ethnicity, religion, disability, and other factors]. [Pending]

[ALT MEX:

REAFFIRMING the commitment of member states with the total and unconditional eradication of all forms of violence, discrimination and intolerance, and recognizing the importance of making the principle of equality and non-discrimination crosscutting in favor of the full, equitable, substantive and effective participation of all women and groups in situation of vulnerability and/or historically discriminated against in the creation of public policy.] [Pending]

i. Eradication of statelessness in the Americas

1. TAKING INTO ACCOUNT the universal nature of the right of all persons to a nationality, as enshrined in Article 15 of the Universal Declaration of Human Rights and in various other international instruments and, in particular, the recognition of this right in the Americas under Article XIX of the American Declaration of the Rights and Duties of Man and Article 20 of the American Convention on Human Rights, and that statelessness is a serious humanitarian problem that has worsened as a result of the effects of the health crisis and must be eradicated; and

2. UNDERSCORING the importance of the Global Action Plan to End Statelessness: 2014-2024; the commitment reaffirmed by the States of the region in the Brazil Declaration and Plan of Action (2014) for the eradication of statelessness by 2024; the commitments adopted at the High-Level Segment on Statelessness in 2019 and the Global Refugee Forum held in 2019, and the significant strides made in the region recently in this area, such as the adoption of protection frameworks for stateless persons and the establishment of statelessness determination procedures in 8 countries; the accession to one or both United Nations conventions on statelessness by 12 countries;

the adoption of legal and institutional frameworks facilitating naturalization for stateless persons in 6 countries; and the elimination of gender discrimination from nationality laws, among other progress,

RESOLVES:

1. To reaffirm the commitment of member states to preventing and eradicating statelessness in the Americas and to urge member states to press ahead with the actions and strategies set out in the Global Action Plan to End Statelessness (2014-2024) and in the 2014 Brazil Plan of Action.

2. To invite member states that have not yet done so to consider ratifying or acceding to, as appropriate, the international conventions on statelessness and to adopt or amend their domestic laws, as required, in order to establish fair and efficient procedures to determine statelessness and grant facilities for stateless persons to be naturalized in a manner consistent with the domestic law of each country and international law.

3. To urge member states that have not yet done so to eliminate gender-based and other discrimination from nationality laws in order to eliminate discriminatory and xenophobic practices against stateless persons; to develop appropriate safeguards to prevent cases of statelessness, in particular with respect to children, adolescents, and groups in a vulnerable situation; to promote universal birth registration by increasing registration of births that occur or have occurred in border zones, Indigenous territories, and remote rural areas; to improve data on stateless populations; and to resolve existing cases of statelessness within a reasonable time, in a manner consistent with their respective international human rights commitments and obligations, especially in situations resulting from arbitrary denial and deprivation of nationality.

ii. Human rights defenders

1. CONSIDERING the primary responsibility of States to respect, protect, promote, and ensure all human rights and fundamental freedoms for everyone, including the right to defend and promote human rights, as well as their deep concern about situations that prevent or impede the work of human rights defenders at the national and regional levels in the Americas; and

2. UNDERSCORING the important and legitimate work carried out by all those individuals, groups, and communities that engage in non-violent protest, express their opinion, publicly denounce abuses and violations of human rights, provide rights education, seek justice, truth, reparation, and non- repetition, and work to prevent human rights violations, or undertake other activities to promote human rights,

RESOLVES:

1. To urge member states to take the necessary steps to create the social, economic, and political conditions for human rights defenders to be free to go about their work and to incorporate a comprehensive protection perspective, including differentiated and collective protections, and a [CAN, MEX, UR, CHL, ARG, PAN, CR, USA: ~~gender perspective~~-(an) **intersectional** approach (GUA: **intersectional approach**)], [SL: to the extent provided for in domestic legislation], [PY, GUA: gender perspective] into the protection of human rights defenders including communicators and environmental activists, and their family members and the creation of a safe and enabling environment for the defense of human rights, providing the necessary legal guarantees for all persons, without discrimination of any kind, to be able to enjoy all those rights and freedoms, individually or collectively, especially those who defend and exercise the rights to freedom of expression, association, and peaceful assembly in contexts where human rights violations are committed. **[Pending]**

2. To give special consideration to the situation of all women human rights defenders, who unfortunately face specific risks, including sexual and gender-based violence. It is essential to ensure the rights of all women who act as human rights defenders, since they can often face different kinds of violence and highlight the importance of strengthening the role of the family and the community as spaces of protection and support, which prevent them from running risks of aggression because of their activities in defense of human rights.

3. To encourage member states to adopt, together and in coordination with civil society public policies to recognize the work of human rights defenders and their importance in building inclusive and democratic societies.

4. To condemn any act intended directly or indirectly to prevent or hinder the work of human rights defenders in the Americas including acts of reprisal, threats, intimidation, and harassment.

5. To recognize the work done locally, nationally, and regionally by human rights defenders including those individuals that face particular risks such as women human rights defenders and recognize their valuable contribution to the promotion, respect for, and protection of human rights and fundamental freedoms in the Americas.

6. To urge member states to continue working to prevent situations that obstruct or hinder the work of human rights defenders, including those individuals that face particular risks such as women human rights defenders and the protection of human rights, both domestically and before the different international forums, in the understanding that protecting human rights defenders and supporting their work is a fundamental part of states' strategies to defend and guarantee human rights, of the work of international bodies collectively, and of the activities of certain NGOs and civil society as a whole.

iii. Rights of children and adolescents

1. CONSIDERING the population pyramid of the Americas, a high percentage of which comprises children and adolescents, and the existing gaps in ensuring that they can fully exercise their rights – an aspect that has become more pronounced in the wake of the COVID-19 pandemic and its related effects;

2. REAFFIRMING the comprehensive and multidimensional nature of children's rights and the resulting intersectoral and interagency coordination needed to promote and protect them; as well as the importance of having duly qualified institutions in place for this purpose, suitably staffed, sufficiently equipped, with suitable means and proven experience in this type of task, and taking note of Advisory Opinion OC-17/2002 of the Inter-American Court of Human Rights;

3. UNDERSCORING the commitment of member states to preventing, punishing, and eradicating exploitation, trafficking, and all other forms of abuse and violence against children and adolescents in all areas of their lives, as a hemispheric priority, which has been the focus of an IIN regional study involving broad participation from a variety of stakeholders engaged with the problem

that was brought to light through the Committee on Juridical and Political Affairs pursuant to resolutions AG/RES. 2961 (L-O/20) and AG/RES. 2976 (LI-O/21); and

4. BEARING IN MIND that children and adolescents, by reason of their age, should receive, in addition to protection in general as human beings, special protection and care in a family environment, and that the severe lack of goods and services, which is harmful for any human being, is especially dangerous and detrimental in their case as it prevents them from exercising their rights, completely developing their potential as full members of society, and exposes them to conditions conducive to greater violence.

RESOLVES:

1. In order to promote integral development for children and adolescents, to continue promoting the creation and consolidation of comprehensive systems for promoting and protecting the rights of children and adolescents in the region, with a view to putting universal and inclusive, participatory, and diversity-respecting public policies in place to ensure the full enjoyment of rights through access to quality services that promote integral development, with special attention to groups historically excluded and and/or in vulnerable situations, including groups of children and adolescents in migration situations and fleeing their countries in search of international protection.

2. To encourage member states to strengthen their collaboration on defending the rights of children and adolescents, with particular attention to the response to the effects brought about by the COVID-19 health crisis, and on priority issues such as early childhood, and the right to special protection and assistance when deprived of their family environment, integral development in adolescence, rights in the context of migration, to live in a violence-free environment; as well as the need to insist on strengthening promotion, access to enjoyment and protection of all their rights, taking into account the variety of conditions and circumstances, gender equality without any type of discrimination; and the creation of venues for their opinions to be heard in accordance with their age and maturity.

3. To continue the actions undertaken with respect to challenges such as international abduction of children and adolescents; elimination of violence, trafficking, and exploitation, including

sexual exploitation, particularly of Indigenous young women and girls; access to justice ; prevention of pregnancy in girls and adolescents; physical and emotional abuse, including in the digital context, where risks must be mitigated and opportunities in education must be enhanced; guaranteeing asylum-refugee procedures in a manner consistent with international law and the corresponding domestic laws for those who so request in the face of persecution or human rights violations; and establishing self-protection networks with intergenerational participation, among other forms of organization, with the supervision of parents or caregivers.

4. To recognize the enormous value of Inter-American Children's Institute (IIN) activities – especially human resource training activities – to policies to protect the rights of children and adolescents, carried out through the Inter-American Training Program (IATP); as well as its establishment of various working groups within existing resources and the ongoing work carried out to define strategic guidelines and innovative methodologies in operating them.

5. To express appreciation for the hemispheric study on prevention, eradication, and punishment of abuse and all forms of violence against children and adolescents submitted by the IIN, and take note of the conclusions and recommendations arising therefrom and consider instructing the IIN to advance in its implementation within existing resources.

iv. Mental health and deprivation of liberty. The work of autonomous official public defenders

1. EMPHASIZING that the General Assembly took note of the Principles and Guidelines on Public Defense in the Americas unanimously approved by the Inter-American Juridical Committee through resolution CJI/RES. 226 (LXXXIX-O/16);

2. NOTING that the Brasilia Regulations Regarding Access to Justice for Vulnerable People approved by the XIV Ibero-American Judicial Summit, held from March 4 to 6, 2008, understand-deprivation of liberty as confinement which has been ordered by a public authority, whether for the investigation of a crime, for serving a criminal sentence, for mental illness or for any other reason, and that the Regulations also consider that people with physical or mental condition, can be considered vulnerable people;

3. RECALLING, in the same vein, that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas adopted by the IACHR define deprivation of liberty as any form of detention, imprisonment, institutionalization or custody of a person in a public or private institution, in which the person is not permitted to leave at will, ordered by or under the de facto control of a judicial, administrative, or any other authority, for reasons of humanitarian assistance, treatment, guardianship, protection or because of crimes or legal offenses, and that the definition provides that it includes not only those who have been prosecuted or convicted, but also persons under the custody and responsibility of certain institutions, such as persons in psychiatric hospitals and other facilities for persons with physical, mental or sensory disabilities; institutions for children and older persons, centers for migrants, refugees, asylum seekers, and stateless and undocumented persons and any other similar institution the purpose of which is to deprive persons of their liberty;

4. RECALLING ALSO the commitments made in the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities, including those in the Program of Action regarding the effective exercise of their legal capacity, and for them to have access to justice on an equal basis with others, guaranteeing the provision of reasonable accommodations for that purpose,

RESOLVES:

1. To underscore the vital importance of the qualitative and timely pro bono legal aid service provided by official public defender offices in the Americas within the scope of their authority in guaranteeing everyone access to justice for everyone, including for users of mental health services; as well as **for the recognition to recognize** and guarantee **of** the legal and material **conditions status** for the enjoyment of their **personal full** autonomy **in addition to full and** participation and the least degree of restriction in the exercise of their legal capacity. ~~(Ad ref. USA)~~ **[USA proposes changes and lifts its ad ref - e-mail 093022 (ARG+COL: accept)].**

2. To encourage official public defender's offices in the Americas to provide specialized, effective, and urgent treatment to mental health service users, providing support and substantive, procedural and gender and appropriate accommodations that may be needed, especially accessible to

children and adolescents and those who are deprived of their liberty, in order to facilitate the prompt review of the measure that orders their internment or detention, as well as its prolongation over time.

3. To urge official public defenders to ensure full respect for the rights and other applicable legal protections of individuals subjected to a mental health detention, as it involves the deprivation of liberty of a person in a vulnerable situation, and, in particular, to urge States to ensure the intervention of the public defenders from the very beginning of the detention and the processing of such interventions within a reasonable period of time, as well as promoting the use of deprivation of liberty in any form as a measure of last resort.

4. Without prejudice to the responsibility to respect, protect and promote of the human rights of all people, including those who are in vulnerable situation, in the case of institutionalized children and adolescents, seek to promote that ombudspersons ensure that any intervention and decision in their regard respects, when applicable, the principles of progressive autonomy, self-determination and supported decision making, reinforcing due process protections as a special protection measure for this group in a particularly vulnerable situation.

5. To encourage member states to regulate mechanisms for monitoring and supervising institutions where persons using mental health services are housed, as well as penitentiary centers, ensuring proper evaluation and care to protect the physical integrity, emotional and mental well-being and development of all persons deprived of their liberty, implementing the necessary regulatory modifications and adjustments consistent with the commitments emanating from international human rights instruments, as applicable.

6. To request the Permanent Council to instruct the Committee on Juridical and Political Affairs (CAJP) to include in its work plan prior to the fifty-third regular session of the General Assembly the following item of this resolution, in order to promote the exchange of experiences and best practices: "Mental health and deprivation of liberty. The work of the autonomous official public defender." To hold an eleventh extraordinary session of the CAJP on good practices aimed at ensuring access to justice for mental health service users by each official public defender institution in the region in the first quarter of 2023, to be attended by member states and their respective official public defender institutions that provide legal aid, members of the American Association of Public Defender Offices

(AIDEF), experts from the academic community, civil society, including women's organizations, and international organizations. The American Association of Public Defender Offices (AIDEF) will guarantee the attendance of its members.

v. Principles on Effective Interviewing for Investigations and Information Gathering or "Méndez Principles"^{1/}

1. EMPHASIZING the importance of due process of law and its fundamental principles and guarantees in the effective protection of the human rights of persons deprived of their liberty;

2. ACKNOWLEDGING with interest the development of the "Principles on Effective Interviews for Investigations and Information Gathering" or "Méndez Principles," which aim to provide practical guidance for States to strengthen preventive measures against torture and other forms of ill-treatment during the investigation process, in particular during interrogations and interviews, and which have been endorsed by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

RESOLVES:

1. To encourage member states to consider incorporating into their legislation, as appropriate, regulations, training techniques, procedures, and national practices the "Principles on Effective Interviewing for Investigations and Information Gathering" also known as the "Méndez Principles," which constitute an essential tool for the protection of human rights and the prevention of torture and other cruel, inhuman, and degrading treatment; and to consider establishing training modules on these Principles, for public authority officers who conduct interrogations or interviews to get confessions.

vi. Freedom of expression and journalism in the Americas

1. BEARING IN MIND Article 13 of the American Convention on Human Rights, Article 4 of the American Declaration of the Rights and Duties of Man, Article 4 of the Inter-American

1. USA will insert footnote.

Democratic Charter, and the 2000 Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR);

2. UNDERSCORING the fundamental role played by the right to freedom of investigation, opinion and expression, and dissemination of thought by any means in the promotion and protection of human rights and the strengthening of democratic societies;

3. NOTING that independent, free, pluralistic, and diverse media are essential in a democratic society and that their absence undermines free and open debate on matters of public interest and access to information,

4. EMPHASIZING the concern for the adverse effects that concentration of media ownership could have on the strengthening of democracy and the full exercise of citizens' right to **[URU, USA, PER: seek, receive, and impart]** information **[URU, USA, PER:; within the terms set forth in Principle 12 of the Declaration of Principles on Freedom of Expression of the IACHR];** **[Pending]**

5. HIGHLIGHTING the work of the Inter-American Commission on Human Rights (IACHR) Special Rapporteur for Freedom of Expression in carrying out activities to protect and promote the right to freedom of thought and of expression in the Americas; **(Ad. ref ESL)**

RESOLVES:

1. To urge member states to continue developing legal guarantees for the free practice of journalism, with a gender perspective, including the incorporation of protection measures and the strengthening of technical capacity. **(Ad ref. CAN)**

2. To encourage member states, Internet intermediaries, civil society organizations, and other interested parties to proactively promote and support digital literacy and inclusion, facilitate access to information and ideas, and reduce the digital divide in the region.

3. To encourage the member states to actively promote the representation of women in journalism and in the media.

4. To request the CAJP, within existing resources, to hold a special session in consultation with the states, to collectively reflect, share lessons learned, and exchange best practices on the right to freedom of expression and journalism in the Americas, and to present the results of that meeting to the Permanent Council prior to the fifty-third regular session of the General Assembly.

vii. “The Power of Inclusion and the Benefits of Diversity”

1. RECALLING that all human rights are universal, indivisible, interdependent, and inter-related and that everyone is entitled to enjoy these rights without any distinction; consistent with the principle of equality and non-discrimination.

2. RECALLING that all the states of the Americas, through the 2014 Declaration of Asunción: “Development with Social Inclusion,” have articulated the imperative to promote fair, equitable and inclusive societies;

3. RECOGNIZING the contribution of sectoral and ministerial meetings of the OAS to achieve greater inclusion in the region;

4. NOTING that inclusion is a pervasive and cross-cutting theme in the 2030 Agenda for Sustainable Development and its pledge that “no one will be left behind,” and in particular SDGs 5, 10 and 16 which calls for the promotion of peaceful inclusive societies, in which gender equality, social inclusion, economic and political, are promoted and the provision of access to justice for all persons and building of effective, accountable, and inclusive institutions; **(Ad ref. USA)**

5. NOTING WITH ALARM that there continue to be reports from across the region regarding acts and expressions of hate and exclusion, including, but not limited to, antisemitism, Islamophobia, xenophobia, homophobia, transphobia, violence, racism and discrimination.

6. Recognizing the efforts of bodies, organizations, and entities of the OAS to counter discrimination, intolerance, violent extremism, and other forms of hate in the region, which are rapidly increasing, and that States have a responsibility to combat;

7. REAFFIRMING that the inherent dignity and the equal and inalienable rights of all persons are the foundation of freedom, justice, security and peace, and that social inclusion is an essential element in the full realization of human dignity, respect for human rights, sustainable development and lasting peace in our democratic societies; and

8. HIGHLIGHTING WITH SATISFACTION that on April 28, 2022, the Committee on Juridical and Political Affairs held a special meeting at which member states heard from experts, shared lessons learned, and exchanged good practices to advance the goals of this resolution concerning inclusion and democracy, diversity,

RESOLVES:

1. To recognize inclusion as the full and meaningful participation of all persons, without discrimination of any kind, in economic, social, cultural, civic, and political life.

2. To reaffirm that inclusion is an essential element to the full realization of every person's unique potential and that inclusive democratic societies value and respect diversity as a source of strength and recognize such diversity as beneficial for the advancement and welfare of their populations.

3. To urge member states to continue their efforts to build more inclusive societies by:
- a. adopting, implementing, maintaining, and improving inclusive legislation, public policies, programs, services, and institutions, and
 - b. sustaining a culture of inclusion by supporting civil society initiatives that bridge differences, foster mutual understanding, and promote greater respect for diversity of backgrounds, perspectives, and identities.

Canada, Chile, Mexico, Argentina, Colombia, Uruguay and Bolivia support maintaining “intersectionality” and “diversity” throughout the text of this draft resolution

****Guatemala, Paraguay and Jamaica support deleting “in all their diversity” throughout the text of this draft resolution****

*****Jamaica supports deleting all references to “sexual and reproductive rights” throughout the text of this draft resolution*****

4. To uphold inclusion as a foundational principle of democracy, comprising the full and meaningful in civic and political life, for all persons which involves such elements as: transparent free and fair elections; inclusive and accountable public institutions and policy development; equitable representation and participation of a population’s diversity in politics and public institutions; safe and accessible civic spaces; free and uncensored media, both offline and online; and digital inclusion, from internet connectivity to digital literacy, required for informed and engaged democratic citizens.

5. To strive towards greater economic inclusion, comprising the full and meaningful participation of all persons [MEX, ARG, CHI, CAN, URU, BOL, USA: including women, in all their diversity,] [GUA, JAM: ~~in all their diversity~~], in economic life [PAR, BRA: including all women] which involves such elements as: equitable access to quality education and training; facilitating the accessibility to public infrastructure, services and equipment, decent work; labor protections; pay equity; financial inclusion; programs of social protection, eradicating poverty, inclusive growth policies; more equitable taxation; inclusive trade policies, as well as inclusive and development-oriented multilateral cooperation. [Pending]

6. To request the Committee on Juridical and Political Affairs to organize, within existing resources and in coordination with the Secretariat for Access to Rights and Equity, CIDI, and the Subcommittee on Partnership for Development Policies a special meeting where member states may engage in dialogue with experts, share lessons learned and exchange good practices to advance the goals of this resolution, with a special focus on aspects identified in paragraph 5, and that the Committee present the results of that meeting to the Permanent Council prior to the fifty-third regular session of the General Assembly.

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

1. HIGHLIGHTING the ratifications by member states of 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 national reports on the progressive measures they have taken to ensure due respect for the rights set

forth in said Protocol, and that the corresponding standards were established by resolution AG/RES. 2074 (XXXV-O/05) and subsequent resolutions;

2. ACKNOWLEDGING the contributions of the Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, in terms of its membership on and chairmanship of the WGPSS, and appreciating the importance of its work, reports, and recommendations on ESCR issues,

RESOLVES:

1. To encourage the states parties to take into consideration the observations for developing their public policies, in order to promote economic, social, and cultural rights, and urge them to share best practices in this area and consider existing innovative proposals for implementing the recommendations concerning the Protocol of San Salvador.

2. To applaud Chile on its recent ratification and to invite member states that are not yet party to consider, as applicable, signing, ratifying, or acceding to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Protocol of San Salvador.

ix. “Protection of asylum seekers and refugees in the Americas”

1. UNDERSCORING the importance of 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,” adopted on December 3, 2014, as the strategic framework for the protection of asylum seekers, refugees, displaced and stateless persons for Latin America and the Caribbean;

2. HIGHLIGHTING ALSO the importance of the Global Compact on Refugees, the work of the Asylum Capacity Support Group, and follow-up on the commitments adopted by a number of member states of the Organization at the first Global Refugee Forum, held in Geneva in December 2019, particularly as regards strengthening asylum and protection capacities, shared responsibilities, and lasting solutions;

3. HIGHLIGHTING FURTHER the achievements attained through the adoption of the 1984 Cartagena Declaration on Refugees, the San Jose Declaration on Refugees and Displaced Persons of 1994 and the Mexico Declaration and Action Plan to Strengthen the International Protection of Refugees in Latin America of 2004, the Declaration of Brasilia on the Protection of Refugees and Stateless Persons in the Americas of 2019, as well as the important inclusive and constructive dialogue of the Cartagena +30 process. ~~(Ad ref. MEX)~~ [MEX lifts ad ref - email 093022].

4. RECOGNIZING the need to maintain forums for regional dialogue so as to be able to address, in a concerted manner, in the spirit of solidarity and shared responsibility, due protection for asylum seekers in the Americas; and the convenience of evaluating conditions to strengthen information exchange systems. ~~(ad. ref MEX)~~ [MEX lifts ad ref - email 093022].

5. RECALLING its resolutions AG/RES. 2928 (XLVIII-O/18), AG/RES. 2941 (XLIX-O/19), AG/RES. 2961 (L-O/20) and AG/RES. 2976 (LI-O/21) regarding the Comprehensive Regional Protection and Solutions Framework (MIRPS), a mechanism that contributes to multilateral initiatives for dialogue and cooperation in relation to asylum seekers, refugees, returnees in need of protection, and displaced persons, comprising Belize Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama;

6. EMPHASIZING AS WELL that, during the Ninth Summit of the Americas, held in Los Angeles, California, in June 2022, the seven states parties to the MIRPS signed the “Los Angeles Declaration on Migration and Protection,” in which they reiterated their willingness to strengthen regional and hemispheric efforts to create the conditions for safe, orderly, humane, and regular migration, and to strengthen the necessary frameworks for protection and international cooperation;

7. RECOGNIZING that the displacement crises unfolding in the region demand that all countries take concrete steps to ensure respect, protection and promotion of the human rights of all persons including asylum-seekers and refugees, regardless of their immigration status.

RESOLVES:

1. To urge member states to continue implementing the programs and thematic pillars of the Brazil Plan of Action and, where applicable, the pillars of the MIRPS national action plans, with

the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Asylum Capacity Support Group, as applicable; to continue increasing their national capacities in that regard, so as to enhance their response to the large-scale influx of persons needing international protection, within available resources.

2. To recommend that interested member states continue developing best practices for determining refugee status, based on optimization of the mechanisms for identifying international protection needs in keeping with each person's profile, risks, and vulnerabilities; strengthening of systems for identification and referral of cases to national committees for refugees (CONAREs) or equivalent bodies; development of tools for biometric registration and digital application management; establishment of issuance systems and expedited, simplified, merged, and special procedures for determining refugee status, or procedures based on the presumption of inclusion or group determination, as appropriate, in accordance with domestic law and enabling in all instances a review of refugee status on a case-by-case basis; promotion of digital identity; and interoperability between systems for the determination of refugee status and national identification and protection systems.

3. To thank the UNHCR and the international community for their technical and financial assistance and call on them to continue supporting the design, financing, and implementation of national projects to strengthen national systems for the determination of refugee status in the countries concerned, as well as their regional training and exchange initiatives for the staff of CONAREs, or equivalent bodies, the identification of at-risk person profiles (through country of origin information), exchange of countries' best practices via a regional digital platform, and dissemination of a regional model for the determination of refugee status, all of which are initiatives that should take into account the different realities and particular circumstances of each country.

4. To urge all member states to continue to respect international refugee law, in particular the principle of non-refoulement, and to continue to respect the international obligations and commitments in their operations at the border; to reaffirm the fundamental importance of the Convention relating to the Status of Refugees (1951) and its Protocol (1967); and to recommend, where appropriate, the application of the regional definition of refugee contained in the Cartagena Declaration on Refugees (1984) to respond to international protection needs identified in various countries of the region, and to take note of the Advisory Opinions OC-21/14 and OC-25/18 of the Inter-American Court

of Human Rights, in accordance with domestic legislation and international human rights obligations, as applicable. Also, to underscore the complementarity of refugee status with other protection statuses adopted in the region, such as complementary protection or temporary protection, as well as with migratory statuses or regularization processes that involve legal stay arrangements with appropriate protection safeguards for migrants.

5. To reiterate to member states the need to treat refugees, asylum seekers, migrants, and stateless persons with dignity and provide humanitarian assistance, including long-term with the support, inter alia, of international actors, the private sector, and financial entities; to support the adoption of protection measures, including gender-responsive ones; and to promote inclusion in national systems and the search for lasting solutions for persons in need of international protection.

6. To reiterate to member states the importance of placing a priority on addressing the issue of migrant and refugee children and adolescents, granting them special treatment and proper safeguarding, while protecting their rights and best interest, as they experience disproportionate vulnerability in migratory processes.

7. To recognize the constant efforts made by the States that belong to the Comprehensive Regional Protection and Solutions Framework (MIRPS), to respond and attend to the needs of asylum seekers, refugees, returnees with protection needs, and displaced persons, supported by its joint Technical Secretariat, comprised of the OAS General Secretariat through the Department of Social Inclusion of the Secretariat for Access to Rights and Equity (SARE) and UNHCR.

8. To encourage MIRPS member states to continue promoting cooperation mechanisms and to share the good practices they have been pursuing to find lasting solutions for people needing international protection, in the Working Groups: 1) Reception, Admission, and Processing of Persons Needing Protection; 2) Internal Displacement; 3) Local Governance; and 4) Employment and Livelihoods.

9. To encourage the MIRPS member states to continue with efforts to increase public investment made by each of the countries in caring for forcibly displaced persons. In this way, to raise

the visibility of national efforts to provide protection and seek regional solutions with support from other stakeholders - international or national, public or private - in these efforts.

10. To highlight also the contributions provided by the MIRPS Support Platform in mobilizing possible financial and technical assistance. In this sense, to recognize that the “Solidarity Event” held on September 21, 2022, and organized by Canada and the United States, was a very positive effort that should be replicated.

11. To thank the Kingdom of Spain for the first contribution to the MIRPS Fund and to urge member states, permanent observers, and other donors to make voluntary contributions to the MIRPS Fund, or other financial, technical or in-kind assistance in order to support the objectives of increasing and strengthening its activities and regional cooperation mechanisms for implementation of the Global Compact on Refugees. **(Ad ref. USA)**

12. To encourage countries to maintain and promote cooperation mechanisms designed to share best practices that they have been pursuing.

13. Recognize the constant efforts carried out by the states that make up the Quito Process, and urge member states and donors to contribute to the United Nations’ Regional Refugee and Migrant Response Plan (RMRP) to help support the response to needs arising from the situation of asylum seekers and migrants in the region under the criteria of solidarity and shared responsibility.

14. To intensify efforts to promote solutions that together can work as useful, practical, and realistic tools that have a positive impact on the lives of individuals needing international protection and those forcibly displaced, taking into account current scenarios that include economic impacts, and the effects of natural disasters and climate change and health emergencies.

x. Human rights of older persons

MINDFUL of the urgent need to identify and include the post-pandemic recovery needs and meaningful participation of older persons, who have been particularly affected and discriminated against by reason of their age in the provision of healthcare and health services, and recognizing that older persons have a right to life and dignity in old age, and to enjoy the very highest level of physical,

mental, and social well-being without discrimination of any kind, as established in the Inter-American Convention on Protecting the Human Rights of Older Persons, to which eight member states are parties,

RESOLVES:

1. To congratulate Colombia on depositing the instrument of accession to the Inter-American Convention on the Protection of the Human Rights of Older Persons and to urge those member states that have not yet done so to consider, as appropriate, signing, acceding to, or ratifying the Inter-American Convention on Protecting the Human Rights of Older Persons, bearing in mind that 10 States Parties to the Convention are required for the Committee of Experts to become operational, which will allow progress in implementing the Convention to be monitored, in accordance with its authority.

2. To encourage states to make the necessary effort to protect the human rights of older persons, ensuring that they receive preferential care and support that is targeted and differentiated based on their needs, thereby protecting their integrity and promoting their autonomy and independence, and universal, equitable, and timely access to primary care-based quality comprehensive health services, especially those serving older persons in vulnerable situations, as well as to urge states to prioritize the needs of older persons when designing post-pandemic recovery programs and policies.

xi. Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016-2026 (PAD) and Support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities

1. RECALLING the commitments made in the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities (CIADDIS) and the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD), the importance of commemorating International Day of Persons with Disabilities, the World Down Syndrome Day, World Autism Awareness Day, and all those dates that highlight the duty to protect and promote the rights of persons with disabilities, including groups in vulnerable situations, especially situations of gender-based violence;

2. RECOGNIZING that many persons with disabilities have pre-existing conditions that make them more susceptible to contracting COVID-19 and experiencing more severe symptoms upon infection, and that the effects of the COVID-19 pandemic have exacerbated the vulnerability of persons with disabilities, aggravating pre-existing barriers to their equal access to essential public services, such as healthcare, education, employment, information and communication technologies, social protection, and the rights to which all persons are entitled without any discrimination,

RESOLVES:

1. To urge member states to combat structural discrimination against persons with disabilities in the context of the COVID-19 pandemic and to adopt measures focused on and consistent with international human rights obligations, in order to address their specific needs in current responses, as well as in preparedness for possible health emergencies, with actions to protect persons with disabilities so that they can exercise their rights on equal terms without discrimination, including measures aimed at ensuring access under conditions that enable telework, in keeping with the respective domestic laws; measures to ensure their safety and protection in situations of risk or emergency, particularly for persons with disabilities who also belong to other groups in vulnerable situations, especially situations of gender-based violence; and measures guaranteeing them access to the highest attainable standard of health without discrimination on the basis of disability, as well as to information necessary for disease prevention and treatment, among others.

2. To encourage member states, in keeping with the preceding paragraph, to take note of the compendium “Attention to Persons with Disabilities in the Americas in the Framework of the COVID-19 Pandemic,” published by the Department of Social Inclusion of the Secretariat for Access to Rights and Equity, which is a compilation of best practices and initiatives implemented in 13 countries of the Americas to better serve persons with disabilities during the pandemic.

3. To encourage OAS member states that are not party to the CIADDIS to consider acceding to said Convention, in order to intensify regional efforts for inclusion of and non-discrimination against persons with disabilities; and to encourage member states that are party to the CIADDIS to implement the recommendations put forward by CEDDIS in its evaluations, by sphere of activity, and to consider making voluntary contributions to the Specific Fund to support the operations

of the Committee and its Secretariat and to the Specific Fund for the Mixed Working Group for Monitoring and Follow-up on Implementation of the PAD.

4. To take note of the CEDDIS publication entitled “Guide for the Establishment of Support for the Exercise of the Legal Capacity of Persons with Disabilities,” developed based on the principles and guidelines of the CIADDIS and of the United Nations International Convention on the Rights of Persons with Disabilities (CRPD), aimed at promoting the full and effective exercise by persons with disabilities of their will and citizenship on an equal basis with other persons, and to request the member states to disseminate it as widely as possible in order to assist with implementing it in the public and private spheres.

5. To highlight the work of the OAS Group of Friends of Persons with Disabilities and to encourage other countries to join its work.

6. To instruct the Department of Social Inclusion, in its capacity as technical secretariat to CEDDIS and to the area that promotes programs for social inclusion of persons with disabilities, to continue to carry out—within available resources, in coordination with member states, and with the support of the General Secretariat—initiatives to disseminate and promote the rights of members of this group and their full participation, with collaboration from persons with disabilities and other actors.

7. To urge the General Secretariat, to take the necessary steps to mainstream the inclusion of all persons with disabilities within the Organization as well as through its actions and in accordance with international human rights obligations, ensuring the full and effective participation of organizations of persons with disabilities in this process; and to mark International Day of Persons with Disabilities, which falls annually on December 3, through activities that contribute to the full recognition, visibility, exercise, and enjoyment of their rights.

xii. Promotion of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the fight against all forms of discrimination

RECOGNIZING the importance of ratifying the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance,

RESOLVES:

1. To request the Permanent Council to organize within existing resources a follow-up meeting aimed at gathering input from member states for countering intolerance and discrimination in the region.

2. To invite member states to consider signing, ratifying, or acceding to 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, bearing in mind that the two instruments promote coexistence in diversity, which is understood as one of the bulwarks of democratic societies in the Hemisphere.

xiii. Protecting human rights in the context of the COVID-19 pandemic and future epidemic or pandemic emergencies

1. RECALLING IACHR resolutions 1/2020, "Pandemic and Human Rights in the Americas", 4/2020 "Human Rights of Persons with COVID-19," and 1/2021 "COVID-19 Vaccines and Inter-American Human Rights Obligations," of the IACHR, concerning standards and recommendations to guide states on measures for handling and containing the COVID-19 pandemic, as well as the guidelines on the human rights of persons with COVID-19, and resolutions CP/RES. 1151 (2280/20) and CP/RES. 1165 (2312/21) of the Permanent Council, emphasizing that health is a public good that ought to be realized by all States on an equal basis and without discrimination;

2. CONSIDERING that the COVID-19 pandemic has shown us the differentiated and [GUA, PAR: ~~intersectional~~ interconnected] [CAN, MEX, CHI: leave "intersectional"] adverse effects caused by international health emergencies, during which preexisting gaps are exacerbated in the enjoyment of human rights by all sectors of the population, in particular people and members of populations in situations of special vulnerability and/or historically subjected to discrimination, [Pending]

RESOLVES:

1. To include the human rights approach and **[CR: keep gender perspective throughout this section]** **[CA: las perspectivas de género (PAR+GUA: cannot accept the suggestion of CAN) gender-responsive approaches and gender-responsive and intersectionality perspective]** **[GUA: in consultations on the expressions “gender-responsive” and “gender-responsive approaches”]** **[GUA: and intersectionality according to the respective international human rights [ARG: standards and] obligations [SLU: in accordance with domestic legislation]** in preventive, treatment, and response measures to promote effective enjoyment of rights and the preservation of health, including preventive measures and access to vaccines, treatments, and diagnostic measures, in keeping with the principle of prior, free, and informed consent, with a differentiated focus on people and members of populations in situations of special vulnerability and/or historically subjected to discrimination. **[Pending]**

2. To promote and protect the enjoyment and exercise of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health for all, including persons with COVID-19 or any other epidemic or pandemic pathogen, consistent with the principles of equality and nondiscrimination.

3. To promote regional technical and cooperation exchanges that encourage good practices by States as part of measures adopted in the context of the pandemic, including a gender perspective in order to effectively and humanely improve epidemiological responses, seeking and promoting accessibility and affordability—in a participatory, transparent, non-discriminatory way and with the widest possible geographical coverage—of medicines, treatments, vaccines and diagnostic measures, other health technologies, quality goods, services, information, and knowledge developed for preventive, curative, palliative, or rehabilitative care of people with COVID-19 or during other epidemic or pandemic emergencies.

4. To provide and disseminate adequate and sufficient information on safe and effective vaccines and treatments, as well guarantee access to timely, complete, understandable, clear, non-technical, reliable, culturally appropriate information that takes into account the particularities and specific needs of the individual, with respect both to the various forms of transmission of the pathogen

and to the prevention of contagion and the availability of prophylactic methods, be they vaccines or medical treatments; the above, while protecting the right to-enjoy the benefits of scientific progress and its applications.

- xiv. Follow-up on the American Declaration on the Rights of Indigenous Peoples and on the Plan of Action of the American Declaration on the Rights of Indigenous Peoples (2022-2026)^{2/}

BEARING IN MIND the American Declaration on the Rights of Indigenous Peoples and the extension of the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021) for a further period (2022-2026) in order to ensure due follow-up and implementation, given the obstacles brought on by the COVID19 pandemic; resolution AG/RES. 2898 (XLVII-O/17), “2019, International Year of Indigenous Languages”; and resolution AG/RES. 2934 (XLIX-O/19), “Effective Participation of Indigenous Peoples and People of African Descent in Organization of American States Activities”; and resolution 74/135 adopted on December 18, 2019, by the United Nations General Assembly, which proclaims the period 2022-2032 as the International Decade of Indigenous Languages, to draw attention to the critical loss of Indigenous languages and the urgent need to preserve, revitalize, and promote Indigenous languages and to take urgent steps at the national and international levels; and

CELEBRATING the holding of inter-American weeks for Indigenous,

RESOLVES:

1. To urge member states, the General Secretariat, and the institutions of the OAS to take all necessary steps to implement the American Declaration on the Rights of Indigenous Peoples, the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2022-2026), and International Decade of Indigenous Languages (2022-2032). ~~(Ad ref. Mexico)~~ [MEX lifts ad ref - email 093022].

2. To urge member states and permanent observers to contribute to the Voluntary Contributions Specific Fund to support implementation of the American Declaration on the Rights of

2. The United States will include a footnote.

Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2022-2026).

3. To urge the member states to continue promoting spaces for dialogue in order to explore possible instances to guarantee the effective implementation the American Declaration on the Rights of Indigenous Peoples. ~~(Ad ref. Brazil)~~ **[BRA lifts ad ref - email 092922]**.

4. To continue to entrust the General Secretariat with organizing a meeting of high-level authorities of member states responsible for policies on Indigenous peoples, with broad and effective participation by representatives of the Indigenous peoples of the Americas and other international and regional agencies; to promote opportunities for dialogue on challenges in connection with the rights of Indigenous peoples; and to consider options for the mandate, format, and costs of the potential mechanism for institutional follow-up on the American Declaration on the Rights of Indigenous Peoples, as envisaged in its Plan of Action (2022-2026).

5. To reiterate the importance of coordination and cooperation among member states in order to continue supporting the holding of activities to mark Inter-American Week for Indigenous Peoples in the Americas.

6. To promote the highest possible level of protection for the rights of Indigenous peoples in the region, with special focus on Indigenous women and girls, LGBTI persons, and members of other groups that have historically suffered exclusion, discrimination, and/or situations of vulnerability and the individual and collective right to the enjoyment of the highest attainable standard of physical and mental health, as well as to ensure access without discrimination to all services, including health care and health services. Likewise, to promote actions so that responses to the COVID-19 pandemic and to future epidemics or pandemics would be inclusive **[CAN:, gender-responsive]** **[GUA, PAR: ; gender-responsive]** and with a human rights focus, respecting and protecting the rights of Indigenous peoples. **[Pending]**

7. To promote and protect, within the framework of member states' international human rights obligations, the rights of Indigenous peoples against violent and organized-crime actions that

could worsen their vulnerability, particularly in the context of the COVID-19 pandemic or during other epidemics or pandemic emergencies.

xv. Universal civil registry and the right to identity **[all section pending]**

CONSIDERING that the recognition a person's identity facilitates the exercise of the right to a name, nationality, **[USA: birth civil registration, establish a family relations, and to recognition as a person before the law** ~~judicial personality~~ **(MEX: keep legal personality – since USA will submit a footnote – e-mail 093022), [MEX: civil and birth registration [MEX: keep “family relations”][CR+PAN: keep “civil birth registration”]**, as well as of other rights enshrined in such international instruments as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and taking into account that the member states have pledged to redouble their efforts to provide everyone with access to a legal identity, especially through birth registration, in order to meet target 16.9 of the 2030 Agenda for Sustainable Development, and to ensure that everyone has a legal identity, **[Pending] (USA will present a footnote)**

RESOLVES:

1. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA) and the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV) to continue providing assistance to those member states that so request for the strengthening of their civil registration systems in order to ensure the protection and upholding of the right to **[USA: identity, recognition as a person before the law and to promote] [CR+MEX+ELS+PAN: keep “right to identity”]** the universal registering of births, deaths, and other changes and deeds related to civil status, and of interconnections between registration systems and national identity systems in order to ensure legal identity for everyone, and thereby strengthen the protection of all human rights, particularly those **all members** of populations that are vulnerable, displaced, and/or historically subject to discrimination, as well as prevent and eradicate statelessness and allow universal and equitable access to essential public services. **[Pending] (USA will present a footnote)**

2. To urge all member states to promote, in keeping with their domestic laws, access for all persons, including fellow nationals residing abroad, regardless of their migration status, to identity

documents by implementing effective and interoperable civil registration, identification, and vital statistics systems, including simplified, [CRI: free] [BOL: ~~free~~] and nondiscriminatory procedures [SLU+GUY+PAR+GUA : end paragraph here], [MEX+CHI+CR+ARG: respecting ethnic, sexual, body, and cultural diversity] [SLU: ~~respecting ethnic, sexual, and cultural diversity~~] [BRA, **respecting ethnic, sexual, and cultural diversity**] [GUA: use only “diversity”] that are accessible to everyone and respect ethnic, sexual, and cultural diversity, taking particular care with the protection of personal information and adopting a holistic and differentiating approach that takes account of [SLU: ~~gender sex~~], age, and rights. **[Pending]**

xvi. Human rights and the environment^{3/}

CONSIDERING United Nations General Assembly resolution 76/300, which recognizes the right to a clean, healthy, and sustainable environment as a human right, and further calls upon states, international organizations, businesses, and other relevant stakeholders to adopt policies, enhance international cooperation, bolster capacity building, and continue to share best practices in order to intensify efforts to ensure a clean, healthy, and sustainable environment for everyone;

BEARING IN MIND that on March 4, 2022 the IACHR together with its Special Rapporteur on Economic, Social, Cultural and Environmental Rights (SRESCER) published their Resolution 3/21, entitled “Climate Emergency: Scope of Inter-American Human Rights Obligations,” which recognizes climate change as a human rights emergency, representing one of the greatest threats to the full enjoyment of human rights for present and future generations and to the health of ecosystems and of all species living in the Hemisphere;

3. “Human Rights and the environment” of resolution [AG/RES.#], which considers United Nations General Assembly resolution 76/300 on a right to a clean, healthy, and sustainable environment and urges member states to consider signing, ratifying, or acceding to the Escazu Agreement. Although the United States congratulated Latin American and Caribbean states on the adoption of this agreement in 2018, we also expressed concerns at that time regarding certain elements of the Agreement. These concerns remain. Namely, with regard to paragraph 1 of Article 4 of the Agreement, the United States has consistently reiterated that there are no universally recognized human rights specifically related to the environment as a matter of international law, such as a human right to a clean, healthy, and sustainable environment, notwithstanding the adoption of UNGA resolution 76/300, which the United States supported for its moral and political aspirations. The United States supports development of a right to a clean, healthy, and sustainable environment in a manner consistent with international human rights law, with a common understanding as to its content and scope.

TAKING NOTE of the holding of the first Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which was held at the Economic Commission for Latin America and the Caribbean (ECLAC) headquarters from April 20 to 22, 2022;

CONSIDERING the member states' longstanding concern over situations that prevent or impede the work of human rights defenders at the national and regional levels in the Americas [AG/RES. 1671 (XXIX-O/99)]; and the duty of states to respect, protect, and guarantee the human rights of all persons, including the right to defend and promote human rights; the important and legitimate work carried out by all those individuals, groups, and communities that engage in non-violent protest, express their opinion, publicly denounce abuses and violations of human rights, provide rights education, seek justice, truth, accountability, reparation, and non-recurrence in response to human rights violations, or exercise other activities to promote human rights, [AG/RES. 2908 (XLVII-O/17)];

RESOLVES:

1. To urge member states to promote a human right to a clean, healthy, and sustainable environment, and to increase international cooperation, strengthen capacity-building, and continue to share good practices that would contribute to a healthy environment, including in the context of taking steps towards achieving the relevant objectives and goals of the 2030 Agenda for Sustainable Development. ~~(USA will present a footnote)~~ [USA: e-mail 100322]

2. To instruct the Permanent Council to include the issue of access to information, public participation, and justice in environmental matters in Latin America and the Caribbean at one of its regular meetings and to invite the Inter-American Commission on Human Rights (IACHR), its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, and the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador to give a status report on this issue in Latin American and the Caribbean.

3. Recognizing the entry into force of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), on April 22, 2021; the States Parties to the Escazú Agreement invite

States of Latin America and the Caribbean, which have not yet done so, to consider ratifying or adhering, as the case may be, to this Agreement. **(Ad ref ELS, PAR)**

xvii. 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 Section xxi. of resolution AG/RES. 2961 (L-O/20), the obligations emanating from the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), the Statute of the Mechanism to Follow up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI), its 2018–2023 Strategic Plan, and the agreements resulting from the Eighth Conference of States Parties to the Convention of Belém do Pará (MESECVI-VIII/doc.134/20 rev. 2) and the Seventeenth Meeting of the Committee of Experts of the MESECVI (MESECVI/CEVI/doc.261/20);

EMPHASIZING its concern at the exacerbated increase in physical, psychological, sexual, and gender-based violence against women, adolescents, and girls in the context of the COVID-19 pandemic,

RESOLVES:

1. To reiterate the commitment of the States Parties to 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) and its purposes, and to urge the Mechanism to generate, within available resources and pursuant to the competencies of the bodies comprising it, relevant data and information disaggregated by race, ethnicity,] gender, sex, age, and other important categories on the extent and impact of the multiple forms of sexual and gender-based violence and discrimination against **[GUA: all women, adolescents, and girls in its various manifestations, from an [PAR + GUA: intersectional] perspective] [USA, CRI, PER, MEX, BOL, CHI, ARG, CAN: keep “intersectional”]** that covers the interconnection of multiple forms of discrimination, exclusion and

inequality, and technical cooperation with all sectors in order to achieve gender equality and full access and enjoyment of human rights for all women, adolescents, and girls **[BRA: respecting and valuing the full diversity of situations and conditions in which they find themselves]** **[SLU+PAR+GUA+TT: in all their diversity in accordance with domestic legislation]** **[USA, CRI, PER, MEX, BOL, CHI, ARG, URU, CAN: keep “in all their diversity”]** **[GUA+BRA+SLU+TT: and international law]** **[MEX, ARG, CAN: in accordance with domestic legislation]** **[MEX, CHI, CRI, CAN: in accordance with relevant human rights obligations]. [Pending]**

2. To urge the MESECVI to analyze the implementation of the recommendations of the Third Multilateral Evaluation Round and to continue encouraging the participation of the States Parties in the Fourth Multilateral Evaluation Round of the MESECVI, with a view to providing data and information pertaining to the indicators transmitted by the Committee of Experts.

3. To recommend that the MESECVI conduct, within available resources, a review of up-to-date data and develop a strategy that addresses the effects of the COVID-9 pandemic on gender-based violence, including but not limited to physical, psychological, sexual, economic, and cyber violence, trafficking of women and girls, symbolic violence, and child and adolescent pregnancy, as well as obstacles to universal access to sexual and reproductive health, **[SLU+PAR+GUA+BRA+TT: recognition of sexual (CAN+MEX+URU+CHI+BOL+USA+ARG+CR: cannot accept that it be deleted)]** **[GUA+PAR+BRA——— and ——— reproductive] rights],** **(CAN+MEX+URU+CHI+BOL+USA+ARG: cannot accept that it be deleted** and access to justice for women, adolescents, and girls. **[Pending]**

4. To recommend that the MESECVI continue pursuing actions to address the agreement adopted at the Eighth Conference of States Parties to the Convention of Belém do Pará (MESECVI-VIII/doc.134/20 rev. 2), whereby the Technical Secretariat was requested to promote the drafting of a draft joint declaration of the States Parties for the eradication of gender stereotypes in public spaces that result in symbolic violence and gender-based political violence.

xviii. Strengthening of the Inter-American Commission of Women for the promotion of gender equality and equity and the rights of women

1. RECALLING section xii of resolution AG/RES. 2976 (LI-O/21) and taking note of the Declaration of Panama “Building Bridges for a New Social and Economic Pact Led by Women,” Declaration of Santo Domingo on Equality and Autonomy in the Exercise of Women’s Political Rights for the Strengthening of Democracy, the Declaration of Lima on Equality and Autonomy in the Exercise of Women’s Economic Rights, resolution CP/RES. 1149 (2278/20), the Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality (IAP), and the 2022-2025 Strategic Plan;

2. RECOGNIZING that, in parallel to the COVID-19 pandemic, the region faces multiple and interrelated crises such as economic, political, social and environmental crises, which have exacerbated pre-existing gaps, revealing a differentiated impact that is based on gender stereotypes and socioeconomic situations and which needs to be addressed using a comprehensive, gender, life-cycle intercultural and [PAR+GUA: ~~and intersectional~~] approach [CHI+USA+CAN: keep **“intersectional” in the text**] that covers the interconnection of multiple forms of discrimination, exclusion and inequality; [Pending]

3. RECOGNIZING [BRA+PAR: the full diversity of situations and conditions in which women find themselves] that the realization of their rights of [SLU+PAR+GUA: all women] [SLU+PAR+BRA+GUA: ~~in all their diversity~~] [URU+MEX+CHI+ARG+BOL+USA+CR: in all their diversity] and gender equality, both in law and in practice, demands the removal of all obstacles to [USA: improve women’s access to (GUA+PAR: sexual and reproductive health services)]; [BRA+SLU: sexual and reproductive health care] and education for women (BRA+SLU: ~~and girls~~), [BRA+GUA+PAR: to improve women’s access to sexual and reproductive health care services and education] [CHL: and care] and the promotion of prevention, care, and the eradication of violence against all women, adolescents, and girls, as well as the [USA: possible] allocation of human and financial resources at the regional, national, and local levels in order for policies, plans, and standards to be effectively implemented; [Pending]

4. RECOGNIZING the persistent and increasing resistance and structural difficulties observed in the Hemisphere in advancing gender equality and full recognition and [USA: protection respect] for the autonomy (GUA+PAR: in consultations on the term “autonomy”), human rights of [SLU+PAR+BRA+GUA+TT: all women in all their diversity];

[URU+MEX+CHI+EEUU+ARG+BOL+CR: keep “all women in all their diversity”]
[BRA+PAR: of women and the full diversity of situations and conditions in which women find themselves] [Pending]

5. TAKING NOTE of the Annual Report of the Inter-American Commission of Women (CIM/doc.5800/22),

[SLU+GUA+BRA+PAR+SVG:

6. **RECOGNIZING AND RESPECTING the domestic legislation of member states and their sovereign right to implement polices in keeping with domestic legislation,**] [CAN, USA, PER, URU, ARG: ~~RECOGNIZING AND RESPECTING the domestic legislation of member states and their sovereign right to implement polices in keeping with domestic legislation,~~] [Pending]

RESOLVES:

1. To recognize the need to work to eliminate all forms of multiple and [CAN: **sexual- and gender-based violence**] [PAR+GUA: and ~~intersectional~~] gender-based violence and discrimination, [URU: keep “universal access to health services,”] [BRA: including] mental health, sexual, and reproductive health care services [SLU+PAR+BRA+GUA+TT: with full observance of sexual and reproductive rights], [USA: ~~to work to ensure~~] [MEX, USA, URU: **with full observance of sexual and reproductive rights**] full and effective participation and equal opportunity of leadership for all women and girls [PER: **promote equal redistribution of care and recognize the unpaid domestic work historically assigned to women,**] [SLU: ~~in all their diversity,~~] at all decision-making levels in political, economic, [SLU: **social, cultural,**] and public life [BRA: **taking into account the full diversity**] [SLU+PAR+BRA+GUA: ~~in all their diversity~~] (ARG, CHL, CAN, MEX, USA, URU, CR: leave this expression)] of situations and conditions in which they find themselves] [Pending]

2. To support the work of the Inter-American Commission of Women (CIM) in its efforts to build regional tools that allow States to identify and close the existing gaps that hinder women's full exercise of their human rights [CHL+ARG+CAN+MEX+USA+PER+URU: **in all their diversity**]

(PAR+GUA+SLU+BRA+SVG: delete this proposal by Chile), recognizing historical systemic inequalities and multiple **[PAR+GUA: and intersectional]** forms of discrimination, in order to enhance the contribution and human talent of women in the political and productive-economic world on an equal footing and without discrimination. **[Pending]**

3. To urge the CIM, consistent with the new pillars of work mandated by the Assembly of Delegates of the CIM **related to** strengthening access to sexual and reproductive health **[SLU+PAR+GUA+BRA: and reproductive rights]**, on **strengthening a gender approach and the participation and leadership of women in decision making around** climate change, and **considering the needs of** **[GUA: all] women** **[SLU+PAR+GUA+BRA+SVG: in all their diversity]** **[ARG, CHL, CAN, MEX, USA, PER, URU, PAN: in all their diversity]** **and their contributions to crisis management and conflict prevention and resolution**, to strengthen its work on: (i) eradication of violence against **[SLU+PAR+GUA+BRA+SVG: all women in all their diversity]** **[ARG, CHL, CAN, MEX, USA, PER, URU, PAN: in all their diversity]**; (ii) universal access to sexual and reproductive health **and full respect for the** **[CAN: rights associated with sexual and reproductive health]** **[SLU+PAR+BRA+GUA: and full respect for sexual and reproductive rights]**; (iii) women's economic rights; (iv) recognition, reduction and redistribution of domestic and care work among co-responsible actors, as well as remuneration and recognition of care workers; (v) leadership of women and young people **[BRA: taking into account the full diversity of situations and conditions in which women find themselves]** **[SLU+PAR+BRA+GUA+SVG: in all their diversity]** **[ARG, CHL, CAN, MEX, USA, PER, URU: in all their diversity]**, especially those belonging to traditionally excluded groups and those who live under threat as a result of their defense of the environment; (vi) gender mainstreaming in all OAS organizations and bodies, through the generation of knowledge, dialogue and training, as essential elements for advancing the promotion of gender equality. **[Pending]**

4. To request the CIM to strengthen the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) in all activities of the Organization of American States (OAS), including the equal participation of women in decision-making positions in the Organization.

5. To request the CIM to include within its mandate of strengthening the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) in all

activities of the Organization of American States (OAS), racial, ethnic and equitable geographical representation of women, and to inform of its efforts in its annual report to the General Assembly.

6. To urge the CIM to deepen intersectoral mainstreaming of a gender perspective through strategic partnerships with key actors, such as academia, youth-led organizations, the private sector and civil society organizations, including women's rights organizations, in order to create synergies that favor gender equality and the co-responsibility of the various sectors in the protection, promotion and respect for the human rights of **[SLU+PAR+GUA+BRA+SVG: all women in all their diversity]** **[ARG, CHL, CAN, MEX, USA, PER, URU, PAN: in all their diversity]**. **[Pending]**

7. To urge the CIM to make every effort to ensure that programs and courses offered are simultaneously available in at least two official languages of the OAS, including English, and that all documents and publications of the CIM equitably reflect content that is inclusive of all regions of the Americas.

8. To request the Executive Secretariat of the CIM, subject to available resources, to coordinate periodic meetings with the permanent missions to the OAS, including subregional meetings aimed at establishing a space for dialogue to exchange information with the Commission on activities to achieve and promote gender equality and the human rights of women and girls in the countries of the region.

9. To support the CIM in the activities to commemorate its ninety-fifth anniversary as an opportunity to renew support and political commitment to the vision and work of the Commission, as well as to make voluntary contributions, when possible.

xix. Human rights and prevention of discrimination and violence against LGBTI persons

1. RECOGNIZING the efforts made by member states through their national policies and legislations in the fight against violence and discrimination against all persons ~~[GUA: collectives]~~, in vulnerable situations in accordance with their international human rights obligations, and commitments **[GUA: agreed upon in treaties]**, and within the framework of the 2030 Agenda for Sustainable Development, the development plans of each state; **[Pending]** **[Core group: maintain the original text]**

2. TAKING INTO ACCOUNT that despite such efforts, lesbian, gay, bisexual, trans, intersex (LGBTI) and gender diverse persons continue to be subjected to violence and degrading medical practices, including so called “conversion therapies” in some countries of the region and discrimination based on their sexual orientation, gender identity and/or expression, and sexual characteristics;

3. RECOGNIZING that trans persons and in particular trans women are in a situation of particular vulnerability as a result of the combination of various factors such as prejudice, exclusion, discrimination and violence in public and private spheres, and also recognizing the situation of vulnerability of human rights defenders of LGBTI persons;

4. CONSIDERING with special concern that violence [~~GUA: against children including adolescents~~] manifests itself both in the public and private spheres, for various reasons, as a consequence of discrimination based on sexual orientation and gender identity and/or expression and sexual characteristics and considering the importance of reducing the stigma and discrimination against [~~GUA: young people children, and adolescents~~]. [MEX, CHI, ARG, URU: maintain original language proposed by LGBTI core group] **[Pending]**

5. CONSIDERING that although the economic crisis as a result of the COVID19 pandemic and other factors have affected all people, these factors affect [~~GUA: members of specific groups and collectives~~] such as LGBTI persons differently, ~~who may require the adoption of specific measures, as appropriate~~; **[Pending]**

6. TAKING NOTE that the specific human rights violations and abuses commonly suffered by intersex persons may involve irreversible sex assignment and genital modification surgeries, without informed consent; non-consensual sterilization; excessive and/or coercive submission to medical examinations, photographs and exposure of the genitals; lack of access to medical information and medical history; delays in birth registration; denial of services or health insurance, among others;

7. TAKING NOTE of the work and contributions of the IACHR, in particular the reports by the Office of the Rapporteur for the Rights of LGBTI Persons and the Office of the Special Rapporteur on Economic, Social, Cultural, and Economic Rights (OSRESCER) on “Violence against lesbian, gay, bisexual, trans and intersex persons in America,” from November 2015, and “Progress and challenges towards the recognition of the rights of LGBTI persons in the Americas,” from December 2018, and the “Report on Trans and Gender Diverse Persons and Their Economic, Social, Cultural, and Environmental Rights”, from November 2020; as well as the work of the Working Group of the Protocol of San Salvador (GTPSS) and of the Department of Social Inclusion of the Secretariat of Access to Rights and Equity; and

8. REAFFIRMING the importance of States complying with their **[BRA, GUA: international human rights obligations regarding international human rights law and human rights]** principles as universal, inalienable, indivisible and interdependent; **[Pending]**

[PAR+GUA, SLU, TT:

9. **REAFFIRMING the authority of member states to implement national policies in accordance with the principles established by their respective national constitutions in keeping with universally recognized international human rights law], [Pending]**

RESOLVES:

1. To condemn, in accordance with international law, including the American Convention on Human Rights when applicable, violations and abuses of human rights, discrimination, speeches and manifestations of hatred, incitement and acts of violence motivated by prejudice against persons because of their sexual orientation, gender identity and/or expression, and their sexual characteristics in the Hemisphere, as well as medical discrimination and degrading medical practices.

2. To urge member states to continue strengthening their legislation, institutions and public policies to eliminate the barriers faced by LGBTI persons in the enjoyment of their human rights and fundamental freedoms, as well as to adopt measures focused on preventing, investigating, providing accountability for, punishing, and eradicating violence and discrimination against persons based on their sexual orientation, their gender identity and/or expression, and their sexual

characteristics; and to ensure that victims of violence and discrimination have access to justice under conditions of equality.

3. To urge member states to take urgent measures to promote and protect LGBTI persons' full enjoyment of all human rights, including equality before the law, as well as to generate, when appropriate, institutional mechanisms to support their families, considering the economic crisis as a result of the COVID19 pandemic and other factors, guaranteeing access, without any discrimination, to the labor market and to equitable, timely, and quality health services.

4. To urge member states to adopt measures to include LGBTI persons in economic development and guarantee their equal access to the labor market, as a priority task in the context of the economic crisis as a result of the COVID19 pandemic and other factors, and recovery measures.

5. To encourage member states to take the appropriate legislative, administrative, and judicial measures to ban so-called "conversion therapies" and any practice or intervention aimed at changing or suppressing a person's sexual orientation gender identity and/or expression, and their sexual characteristics.

6. To urge member states to adopt measures that ensure effective protection for intersex persons and to implement policies and procedures, as appropriate, that guarantee that medical practices with respect to intersex persons' respect human rights.

7. To encourage Member States to consider discussing, in accordance with their respective national legal system, the eventual adoption and implementation of legislation and/or public policies to legally recognize the self-perceived and freely manifested gender identity of persons, through administrative or other procedures that ensure confidentiality.

8. To instruct the Permanent Council to organize, with existing resources and in coordination with the Secretariat for Access to Rights and Equity and civil society, an extraordinary session on "Human rights and prevention of discrimination and violence against LGBTI persons in the Americas" with special attention to access to the labor market in the context of the economic crisis as a result of the COVID19 pandemic and other factors and recovery measures.

9. To request from the IACHR, subject to the availability of resources, a follow-up report on the 2015 ‘Violence against LGBTI persons’ report, and in collaboration with other bodies and agencies, such as the Pan American Health Organization (PAHO), to also report about medical discrimination and degrading medical practices, especially in relation to intersex persons, and a report on the practice of so-called “conversion therapies” in the region.

xx. “Promotion and protection of human rights online”

1. RECALLING the Regional Agenda for Digital Transformation adopted at the Ninth Summit of the Americas, which commits States to promote respect for human rights, including freedom of expression, as well as digital literacy, privacy of personal data, and the dissemination and secure, responsible, and lawful development and use of emerging and digital technologies, in line with international standards, to address the challenges of content moderation and to fight against disinformation;

2. RECALLING the Inter-American Action Plan on Democratic Governance, adopted at the Ninth Summit of the Americas, which commits States to increasing efforts to ensure inclusion and diversity in all aspects of governance, including through facilitating access to public information and the Internet for all individuals to enhance effective citizen participation, and reducing digital divides,

3. NOTING the *Joint Declaration on Freedom of Expression and Elections in the Digital Age* adopted by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the OAS Special Rapporteur on Freedom of Expression of 30 April 2020,

4. RECALLING that the obligation and the primary duty to promote and protect human rights and fundamental freedoms lies with the State, and that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights,

5. CONSIDERING the importance of government engagement with all stakeholders and rights holders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

RESOLVES:

1. To affirm that the same rights that people have offline must also be protected online, **[USA: including in particular] [MEX+GUA, ARG: the right to privacy and] [ALT-US, CAN: the right to be free from arbitrary or unlawful interference with one's privacy,] [ARG+BRA: the right to data protection,]** freedom of expression, which is applicable regardless of frontiers and media of one choice, in accordance with **[BRA: Articles 12 and]** 19 of the Universal Declaration Human Rights and with **[BRA: Articles 17 and Article-19]** of the International Covenant on Civil and Political Rights; **[Pending]**

2. To condemn all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability and effective remedies in this regard, including gender-sensitive responses that take into account the particular forms of online threats faced by all women and girls **[SLU+PAR+GUA: in all their diversity]**, in accordance with their international obligations; **[Pending]**

3. To call upon all States to accelerate efforts to bridge digital divides **[ARG: ensure the promotion of the universalization and affordability of internet access] [US: in consultations to promote universal and affordable internet access (ARG+CAN: accept)] [USA lifts ad ref – e-mail 103022]** to enhance the use of information and communications technology in order to promote the full enjoyment of human rights for all , including by fostering an enabling online environment that is safe and conducive to engagement by all persons all; promoting digital, media and information literacy; and ensuring equal opportunities and access to technology, particularly for Indigenous peoples, Afro-descendant communities, women, adolescents and girls, older adults, persons with disabilities and other historically marginalized groups, as well as groups in vulnerable situations; **[Pending]**

4. To call upon all States to develop technical and civic digital skills, creating conditions and offering tools for critical engagement with information online and the ability to discern consciously between reliable and manipulative information.

5. To call upon all stakeholders and rights holders to counter the dissemination of false information, including disinformation, both online and offline, and to strengthen the quality and the integrity of information that is disseminated, as appropriate, and in accordance with the legislation of each State and its obligations under international law.

6. To encourage all States to promote transparency and accountability in the management, publication, and the use of open data and digital technologies, including the responsible and ethical development and use of artificial intelligence systems and other transformative technologies, while protecting individual privacy and personal data and promoting equity and respect for human rights and digital inclusion.

7. To encourage all States to take necessary and appropriate measures to promote free, open interoperable, reliable and secure access to the Internet and, in a manner that complies with their international human rights obligations, address disinformation and advocacy of hatred constituting incitement to discrimination, hostility or violence, in order to ensure the full enjoyment of human rights;

8. To condemn measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, including partial or full Internet shutdowns and online censorship, to call upon all States to refrain from and to cease such measures, and also to call upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression, privacy as well as association and peaceful assembly online.

9. To request that the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) prepare, within existing resources and taking into account the contributions of multiple stakeholders and rights holders, such as States, the private sector, academia, civil society and the technical community, an inter-American report on international standards, challenges and best practices on accessibility and digital inclusion, which includes a literacy component for digital civic skills and content moderation online in order to ensure and promote the free and equal access to, use, and appropriation of the Internet and new information and communication technologies by all people in accordance with international obligations and norms.

10. To stress the importance of countering hate speech on the Internet, incitement and apology of discrimination or violence, including against historically-discriminated-against and marginalized groups like LGBTI persons and ethnic or religious minorities, through the promotion of tolerance, education, and dialogue.

xxi. Situation of people of African descent in the Hemisphere and racism **[all section pending]**

CONSIDERING resolution A/RES/75/314, establishing the Permanent Forum of People of African Descent; Sections ix, “Promotion of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the fight against all forms of discrimination” and xii, “Situation of Afro-descendent populations in the Hemisphere and racism” of resolution AG/RES. 2961 (L-O/20) “Promotion and Protection of Human Rights”; the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance; the Inter-American Convention against All Forms of Discrimination and Intolerance; resolutions AG/RES. 2824 (XLIV-O/14), “Recognition of the International Decade for People of African Descent,” AG/RES. 2891 (XLVI-O/16) “Plan of Action for the Decade for People of African Descent in the Americas (2016–2025),” and CP/RES. 1093 (2144/18), “Inter-American Week for People of African Descent in the Americas”; the Commitment of San José adopted on October 18, 2019, and the points raised by the Inter-American Commission on Human Rights and the Inter-American Network of High Authorities on Policies for Afro-descendant Populations concerning the disproportionate and differentiated impacts that people of African descent have experienced due to the COVID-19 pandemic; and **[Pending]**

TAKING INTO ACCOUNT that the 2021 marked the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, **[Pending]**

RESOLVES:

1. To urge member states to improve the collection and processing of disaggregated statistical data, incorporating **[USA: the gender, and age, perspective, sexual orientation, gender identity and/or expression, sexual characteristics, and disability, with an intersectional approach perspective and the dimension of intersectionality (PAR+GUA: delete text introduced by USA)]** in the design and implementation of targeted, comprehensive public policies to address the serious labor, health, housing, access to justice, and education inequalities affecting women and men of African

descent, in order to address associated, [USA: compounded,] and systemic inequalities, as well as the structural causes of systemic racism, while giving [USA: increased ~~special~~] attention to the economic and social challenges that seem likely to emerge in the post-pandemic context and the need to ensure decent living conditions, as well as promoting and respecting the principles of equality and non-discrimination. **[Pending]**

2. To urge member states to continue pursuing the goals and commitments adopted in the Plan of Action for the Decade for People of African Descent in the Americas (2016–2025), taking into account the regional report on the status of people of African descent and on the progress made in implementing the Plan, which was prepared by the Department of Social Inclusion of the Secretariat for Access to Rights and Equity; **[USA: to advance respect for human rights and fundamental freedoms,]** and to continue recognizing and promoting the contributions made by peoples and communities of African descent towards building an inclusive, multicultural society that respects diversity. **[Pending]**

3. To encourage member states to consider ratifying the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and/or the Inter-American Convention against All Forms of Discrimination and Intolerance. **[Pending]**

[COL:

4. **To urge member states to hold informal meetings to negotiate an Inter-American Declaration on the Right to Recognition, Justice, and Development for People of African Descent]**
[Pending]

6. To invite those member states that have not yet done so, to join the Inter-American Network of High Authorities on Policies for Afro-descendant Populations. **[Pending]**

xxii. Observations and recommendations on the 2021 annual reports of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights **[all section pending]**

RECOGNIZING the work of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to support the observance, protection, and promotion of human rights

in fulfilling their functions to address situations of human rights violations, according to the principles of subsidiarity and complementarity, **[Pending]**

RESOLVES:

1. To reaffirm the commitment of the member states to the inter-American human rights protection system. **[Pending]**

2. To encourage those member states that have not yet done so to consider signing, ratifying, or acceding to all the inter-American human rights instruments, particularly the American Convention on Human Rights. **[Pending]**

3. To reaffirm the importance of the Organization maintaining a sustainable financial budget allocation that allows the IACHR and the Inter-American Court of Human Rights to fulfill all their mandates and continue their work. **[Pending]**

xxiii. Persons who have disappeared and assistance to members of their family **[all section pending]**

REAFFIRMING the responsibility of the member states to continue efforts to prevent the disappearance of people, discover the fate and whereabouts of those who are missing, and alleviate the suffering, anxiety, and uncertainty experienced by the **[MEX: families relatives]** of persons missing **[USA: in connection with international or domestic armed conflicts, armed violence, migration, disasters, (MEX: or) other situations]** **[BRA: remove only “international or domestic”]** to comprehensively address their various **[USA: needs, including by respecting, as appropriate, and satisfy their rights to the truth, justice, and, as appropriate,]** reparation for the harm caused, **[Pending]**

RESOLVES:

1. To urge the member states, **[USA: in accordance a manner that is consistent]** with their **[USA: applicable obligations in the areas]** of international humanitarian law and international

human rights law, and taking into account existing jurisprudence on the subject, to continue progressively to adopt measures, including laws, protocols, guidelines, and other national provisions of a legal and institutional nature, in order to: **[Pending]**

- a. respect the family unit, preventing insofar as possible, the separation of family members and facilitating ~~[MEX: contact between them]~~ **contact with them**, as well as their reunification, especially in situations where vulnerable ~~[USA: persons people]~~, such as minors, are affected; **[Pending]**

- b. prevent and investigate the disappearance of all persons, with particular attention to members of vulnerable groups **[PAR+GUA: that have been historically marginalized, discriminated against, and/or in a situation of vulnerability- end paragraph here]**, ~~[MEX: including migrants, women, and unaccompanied children and adolescents, women and girls, LGBTI persons, persons belonging to Indigenous or Afro-descendant peoples and communities,]~~ persons deprived of liberty, and persons with disabilities; **[Pending]**

- c. **[BRA: invite States to consider taking the necessary measures to establish** ~~promote the creation of]~~ **[ARG: Establish – e-mail 100422]** a National Information Office in peacetime and, pursuant to the Third and Fourth Geneva Conventions of 1949, activate their application at the start of an international armed conflict and/or in cases of occupation, gather information on protected persons, living or dead, in the power of one of the parties and transmit it to the other party and ~~[MEX: families relatives]~~ **[ARG: relatives– e-mail 100422]** through the ICRC Central Tracing Agency; **[Pending]**

[Alt 1 c. USA:

promote the creation of a National Information ~~[USA: Office Bureau consistent with in peacetime and, pursuant to the Third and Fourth Geneva Conventions of 1949, activate their application at the start of an international armed conflict and/or in cases of occupation,~~ **upon the outbreak of an**

international armed conflict and in all cases of occupation, gather information on protected persons, ~~living or dead~~, in the power of one of the parties to the armed conflict and transmit it] to the other party and relatives through the ICRC Central Tracing Agency;] **[Pending]**

[ALT 1 c) - ARG prefers the original language submitted by Peru. If that language is not accepted, it proposes the following text as an alternative:

**“To promote the creation of a National Information [Office/Bureau] in time of peace and, in accordance with the Third and Fourth Geneva Conventions of 1949, to activate its operation from the start of an international armed conflict and/or in all cases of occupation in order to gather information on protected persons, living or dead, held by one of the parties to the armed conflict and transmit it to the other party and to the relatives, through the ICRC Central Tracing Agency;”
– e-mail 100422]**

- d. take up the cases of missing migrants, as well as children and adolescents **[USA: that are presumed missing]**, with a view to searching for them, ensuring that their families are included in the search process; locate them, reestablish contact between family members; **[USA: and, reunite them, if possible, reunite them]** **[MEX: with their families,]** or, in the event they are deceased, identify them and return their remains to their families with dignity; and promote national coordination and regional cooperation in technical, judicial, and consular assistance; **[Pending]**

- e. determine the whereabouts and fate of missing persons **[USA: with the goal of providing to ensure]** a prompt response to **[MEX their]** family members, considering the possibility of setting up mechanisms or entities, of primarily a humanitarian nature and purpose, endowed with the necessary resources and capacity to gather, centralize, and transmit relevant data to facilitate a comprehensive, wide-scale investigation and, in the case of the death of the missing person, give priority to the humanitarian objectives of recovering,

identifying, returning, and disposing of the human remains with dignity, while at the same time complying with **[USA: the obligations or commitments, as applicable,]** to investigate, prosecute, and punish **[MEX: the parties]** those responsible for forced disappearances and any other criminal conduct that has resulted in people's disappearance; **[Pending]**

- f. urgently meet the multidimensional needs of **[MEX: family members families, including their psychological, social, legal, and material needs,]** as regards access to information about the possible causes of the disappearance of their loved ones – in particular, the need to know the truth about what happened to them; conduct a search, recover their remains in the event of their death, and return them; and resolve legal and administrative problems through comprehensive and affordable domestic legal procedures that recognize the legal status of the missing persons; and provide **[MEX: psychological, legal,]** psychosocial and economic support when necessary; **[Pending]**
- g. **[BRA: adopt the necessary measures to]** preserve traceability and ensure that the remains of the deceased, whether identified, unidentified, or as yet unclaimed, are treated with dignity **[MEX: in accordance with applicable law and professional ethical guidelines]**, and retain post-mortem information about them to preserve the possibility of identifying them and restoring their remains to their respective families at a later date **[MEX: in order to issue the corresponding death certificates]**; **[Pending]**
- h. **[BRA: adopt the necessary measures to]** locate, respect and protect places where the human remains of missing persons may be found, including places where unidentified or unclaimed remains have been buried, with a view to their recovery, identification, and return with dignity; **[Pending]**
- i. guarantee the active participation and representation of victims and their family members at the relevant proceedings, as well as their access to justice and to mechanisms that ensure them full, fair, prompt, and effective

reparations **[USA: as well as to e**Ensure] arrangements for the protection of victims and witnesses in criminal courts and in other justice mechanisms, when their safety and well-being are in danger as a result of their reporting the crime of forced disappearance and other offenses that result in the disappearance of persons; **[Pending]**

- j. strengthen technical skills involved in the search, recovery, and analysis of human remains and associated evidence, as well as the use of various forensic sciences; **[Pending]**
- k. strengthen the forensic system and the mechanisms or entities that deal with missing persons, endowing them with the necessary resources (infrastructure, equipment, trained specialists) to implement standards and protocols for the recovery, custody, and identification of cadavers with dignity, and provide their families with answers; **[Pending]**
- l. promote training and capacity building for **[MEX: those in charge of providing actors that provide]** psychosocial support **[CAN:, cultural support,]** and psychological care during the process of searching for persons who have disappeared and assistance to their family members; **[Pending]**
- m. guarantee proper management of information, including the personal data of missing persons, their families, and missing persons found alive, as well as information on unidentified remains, by setting up information management systems to gather, protect, and manage data in keeping with national and international legal standards and provisions to support the search for and identification of persons who have disappeared; and **[Pending]** **[ARG: We suggest keeping this originally proposed language, in line with subparagraph vii.1.k. of resolution AG/RES. 2961 (L-O/20) – e-mail 100422].**

[Alt m) - USA:

~~guarantee proper management of information, including the~~ provide for appropriate protection of] personal data of missing persons, their families, and missing persons found alive, as well as information on unidentified remains [USA: ~~, by setting up information management systems to gather, protect, and manage data in keeping~~ consistent with applicable national and international legal standards ~~and provisions to support the search for and identification of persons who have disappeared~~]; and **[Pending]**

- n. promote, as necessary, standardized procedures within **[BRA: the organizational structure of]** forensic systems and mechanisms or entities that deal with missing persons to coordinate and manage the records of unidentified and unclaimed deceased persons, compare the information on missing persons with that of deceased persons, and produce a scientific identification report for the authorities and family members. **[Pending]**

2. To urge the member states to ensure the implementation of legislation and other applicable measures in this area, with a humanitarian [CHI, PER: and transitional justice] approach. **[Pending]**

3. To encourage the member states to **[USA: consider ratification or accession ratify or accede]** **[ARG: ratify or accede (language also used in resolution AG/RES 2961 (L-O/20)) – e-mail 100422]** to the Inter-American Convention on Forced Disappearance of Persons and the International Convention for the Protection of all Persons from Enforced Disappearance and implement them in their domestic legal system; recognize the competence of the Committee on Enforced Disappearances; share experience and best practices; strengthen international cooperation and exchanges of information; and support the participation and technical assistance of international and national institutions with recognized experience in the search for and identification of disappeared persons; invite the member states to continue working with the International Red Cross and Red Crescent Movement and cooperating with the International Committee of the Red Cross, facilitating their work and taking up their technical recommendations, with a view to consolidating the measures adopted by the member states to prevent and address the consequences of disappearances and family

separation, search for disappeared persons, treat human remains with dignity, and assist family members. **[Pending]**

4. To encourage the member states to promote national adoption of measures related to the provisions of resolution AG/RES. 2134 (XXXV-O/05), “Persons Who Have Disappeared and Assistance to Members of their Family,” and subsequent resolutions on the subject adopted by the General Assembly, and provide information in that regard; and to instruct the CAJP to take the necessary steps to circulate this information prior to the fifty-second regular session of the General Assembly. **[Pending]**

xxiv. Human rights and people living with a rare disease and their families **[all section pending]**

CONSIDERING the need to raise public awareness about rare diseases that increasingly affect the lives, health, well-being, and development of the people who suffer from them, many of whom are children, as well as their families; **[Pending]**

RECOGNIZING that individuals living with a rare disease may develop one or more disabilities and face various kinds of barriers that affect their development, the exercise and enjoyment of their rights, and their full and meaningful participation and inclusion in society; **[Pending]**

BEARING IN MIND the “Declaration of the Organization of American States Group of Friends of Persons with Disabilities on the occasion of World Rare Disease Day,” which was read aloud during the regular meeting of the Permanent Council on March 2, 2022 and, likewise, resolution 76/132 “Addressing the Challenges of Persons Living with a Rare Disease and their Families,” adopted by the United Nations General Assembly on December 16, 2021, **[Pending]**

RESOLVES:

1. To urge member states to **[USA: ~~consider adopting~~ effectively implement and enforce]** public policies and domestic laws to address the situation faced by people with rare diseases and their families, in order to contribute to their well-being and to the protection and enjoyment of their human rights, in keeping with the commitments undertaken in the American Convention on Human

Rights, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, and the United Nations Convention on the Rights of Persons with Disabilities, among others; **[Pending]**

2. To encourage member states to **[USA: ~~take into consideration the contributions made by society at large towards efforts to come up with~~ effectively implement and enforce]** public policies and strategies aimed at providing inclusive opportunities while removing barriers of all kinds faced by people living with these health conditions **[MEX: especially women, young women, and girls] [Pending]**

3. To entrust the Department of Social Inclusion of the Secretariat of Access to Rights and Equity with providing support for observance of the international day for people with rare diseases by organizing an activity to raise awareness about the issue **[CAN: ~~from~~ using] a [MEX: human rights and gender-based perspective] [CAN: and gender-based responsive approach]. [Pending]**

xxv. Strengthening protection and promotion of the right to freedom of conscience and religion or belief **[all section pending]**

1. RECALLING Section xviii of resolution AG/RES. 2941 (XLIX-O/2019), adopted during the forty-ninth regular session of the General Assembly in June 2019, AG/RES. 2691 (L-O/20), adopted during the fiftieth regular session of the General Assembly in October 2020, and AG/RES. 2976 (LI-O/21) adopted during the fifty-first regular session of the General Assembly in October 2021; **[Pending]**

2. RECALLING ALSO that States have the primary responsibility to respect, guarantee, and protect all human rights, including the right to freedom of conscience and religion or belief for all, including persons belonging to religious minority groups or holding no faith, and that States should respect the plurality of faiths, religions, beliefs, and **[CAN: spiritual traditions]** and the diversity of perspectives within religious communities, based on the principle of equality and non-discrimination for all; **[Pending]**

3. WELCOMING the special meetings of the CAJP of February 20, 2020, and August 4, 2022, in which member states shared lessons learned and exchanged good practices to advance the goals of resolution AG/RES. 2941 (XLIX-O/19) and AG/RES 2691 (L-O/20); **[Pending]**

4. REITERATING WITH CONCERN that there continue to be acts of discrimination, intolerance and violence based on religion or belief against individuals and communities, including against persons belonging to religious minority groups in different regions of the world; **[Pending]**

5. NOTING that Article 12 of the American Convention on Human Rights provides: “Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one’s religion or beliefs, and freedom to profess or disseminate one’s religion or beliefs, either individually or together with others, in public or in private”; **[Pending]**

6. RECALLING that Article 12 of the United Nations Declaration on the Rights of Indigenous Peoples recognizes: “the right to maintain, protect, and have access in privacy to their religious and cultural sites”; **[Pending]**

7. RECOGNIZING that deliberate destruction of, or otherwise harmful actions against, places of worship and religious and cultural sites impede individuals’ abilities to worship and undermine the right to freedom of conscience and religion or belief; and **[Pending]**

8. **[ARG: REAFFIRMING ~~RECALLING~~ that all human rights are universal, indivisible, interdependent and interrelated [ARG: and that freedom of conscience and religion or belief and including that freedom of expression are interdependent, interrelated and mutually reinforcing.] [Pending]**

RESOLVES:

1. To request the Inter-American Commission on Human Rights present before the Permanent Council its study on the right to freedom of conscience and religion or belief once completed. **[Pending]**

2. To encourage member states to consider requesting technical assistance and/or training to strengthen mechanisms to protect and promote freedom of conscience and religion or belief. **[Pending]**

3. To urge member states to end discrimination based on religion or belief, or non-belief, including against persons belonging to religious, ethnic, and racial minority groups. **[Pending]**

4. To call upon member states to protect the ability to worship and other expressions of faith, as well as all places of worship and religious and cultural sites, so as to allow individuals to peacefully and safely practice their faith and observe religious and spiritual traditions individually or in community with others, and to encourage States to undertake, develop, and present reports on best practices to ensure the protection of places of worship and other sacred spaces, to include the religious and cultural sites of Indigenous peoples. **[Pending]**

5. To encourage member states to organize and participate in global, regional, and subregional conferences and events that commemorate or promote respect for the right to freedom of conscience and religion or belief and to share any conclusions and best practices, discussed during these events. **[Pending]**

xxvi. **[ARG: Gender equity parity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights [all section pending]**

1. CONSIDERING the importance of consolidating **[ARG: balanced gender parity, representation,** equitable geographic distribution, and representation of the different legal systems on the IACHR and the Inter-American Court of Human Rights, ensuring full and equitable access **[CAN: by men and women for all, including women and people in vulnerable situations] [MEX: in all their diversity,]** in keeping with the principles of impartiality, independence, and non-discrimination so that they can continue to carry out their mandates effectively; and **[Pending]**

2. UNDERSCORING that a balanced integration of gender and an equitable geographic distribution, as well as a balanced representation of different legal systems on the IACHR and the Court, will strengthen the work and impact of these organs and result in sound treatment of the topics and problems in the region, in the areas of prevention, promotion, protection, and guarantee of human rights, with special attention to issues of **[MEX: gender equality and]** non-discrimination, **[Pending]**

[MEX:

3. **RECOGNIZING** the multiple forms of discrimination and violence against women, adolescents and girls in the Hemisphere, in particular the lack of access for women to full participation in the public sphere, in both representation and decision-making positions;] **[Pending]**

[MEX:

4. **TAKING NOTE** of the ongoing discussions in the Human Rights Council of the United Nations that led to the adoption of resolution 41/6 of June 2019 and the drafting of the report of the Human Rights Council Advisory Committee on gender balance in human rights bodies, which includes useful recommendations for overcoming gender and representation imbalance in international bodies;] **[Pending]**

[CHI:

5. **TAKING NOTE** of the ongoing discussions in the Human Rights Council of the United Nations that led to the adoption of resolution 41/6 of June 2019 and the drafting of the report of the Human Rights Council Advisory Committee on gender balance in human rights bodies, which includes useful recommendations for overcoming gender imbalance in international bodies,] **[Pending]**

[MEX:

6. **RECOGNIZING** the significant progress made in the last election cycle, in which the decision of the member states to nominate and vote for a representative number of women for the available positions led to the achievement of gender parity for the first time in the history of both the IACHR and the Inter-American Court of Human Rights;] **[Pending]**

[CHI:

7. **RECOGNIZING** the significant progress made during the last election cycle, in which the member states' decision to nominate and vote for a representative number of women for available seats led to the achievement of gender parity for the first time in history in both the IACHR and the Inter-American Court of Human Rights,] **[Pending]**

RESOLVES:

1. To encourage member states, when nominating and selecting judges of the Inter-American Court of Human Rights and commissioners of the IACHR, to consolidate balanced gender representation and equitable regional geographic representation, and an appropriate balance of population groups **[MEX: particularly those in situations of vulnerability,]** and legal systems of the Hemisphere, while guaranteeing the requirements of independence, impartiality, and recognized competence in the field of human rights. **[Pending]**

[MEX:

2. **To reiterate that it is the responsibility of member states to generate conditions and promote opportunities for the nomination and/or appointment of women candidates to the IACHR and Inter-American Court of Human Rights, as well as to widely publicize available positions, with the purpose of maintaining gender parity, while always ensuring compliance with the requirements of independence, impartiality, high moral authority, and recognized competence in human rights matters.] [Pending]**

3. To encourage member states to take measures at a national level **[CHI: widely advertise the available posts and develop guidelines and procedures at the domestic level to duly take into account the need to consider gender balance and representation of population groups, as well as independence, impartiality, and recognized competence in human rights issues as the main guidelines for selecting and electing candidates to the IACHR and the Inter-American Court of Human Rights]. [MEX: to widely publicize the available posts and consider balanced gender and population group representation, as well as independence, impartiality, and recognized competence in human rights issues as the main criteria for the selection and election of candidates to the IACHR and the Court to progressively advance in mainstreaming and systematizing [ARG: including preparing procedures and guidelines of] the criteria of gender equality and population-group representation in the nomination and selection processes for of candidates to the organs of the inter-American human rights system, while always ensuring compliance with the requirements of independence, impartiality, high moral authority, and recognized competence in human rights matters]. [Pending]**

[MEX:

4. **To urge, likewise, States to continue adopting measures that follow the recommendations of the OAS General Assembly aimed at bringing candidate-selection processes and the selection process in the OAS into line with international standards and successful experiences developed in other similar bodies] [Pending]**

5. To instruct the CAJP to continue to deepen its work on this topic, including in its 2022-2023 work program, by holding a follow-up meeting at which member states, experts, and civil society [CAN: , including women's organizations] share best practices in the nomination and selection of candidates to the organs of the inter-American human rights system, including information on existing national procedures, policies, and practices, ~~with a view to~~ [CHI: as well as best practices of other human rights bodies,] with a view to [CHI: developing a report with recommendations aimed at promoting at the IACHR and the Court gender parity, [MEX: gender equality and] non-discrimination, and balance among the different regions and legal systems of the Hemisphere. [CHI: , to be presented during the fifty-third regular session of the General Assembly]. [ARG: and request the Inter-American Commission of Women to prepare - based on that meeting and including all opinions and participation - a report with recommendations to be presented at the 53rd General Assembly, including information on procedures, domestic policies, and existing best practices]. [Pending]

6. To instruct the Permanent Council to invite the candidates proposed by member states for the position of judge on the Court or commissioner on the IACHR to deliver a public presentation to the Permanent Council prior to their election, to the extent possible, to describe in greater depth what their vision, proposals, and initiatives would be if elected. Such presentations, where possible, should be made at the same meeting of the Permanent Council and be disseminated as widely as possible. [Pending]

