

AG/RES. 2908 (XLVII-O/17)

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

(Adopted at the third plenary session, held on June 21, 2017)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2016-June 2017” (AG/doc.5565/17 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions within the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States (OAS);

REAFFIRMING the norms and principles of international law and those contained in the Charter of the OAS, international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding inter-American instruments on this subject, as well as the important role played by the organs of the inter-American human rights system in promoting and protecting human rights in the Americas; and

RECALLING declarations AG/DEC. 71 (XLIII-O/13) and AG/DEC. 89 (XLVI-O/16); resolutions AG/RES. 2887 (XLVI-O/16) and AG/RES. 2888 (XLVI-O/16); as well as all previous resolutions adopted on this topic,

i. Human rights defenders

HIGHLIGHTING the commitment of the member states of the OAS to promote, respect and ensure the rights of everyone, including on-line, among them the human right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels,

RESOLVES:

1. To reiterate its support for the work carried out at the national and regional levels by human rights defenders and to recognize the important and legitimate work carried out by individuals, groups and communities that engage in nonviolent protest; express their opinions; publicly denounce abuses and violations of human rights; provide rights education; seek justice, truth, reparation, and nonrepetition in response to human rights violations; or exercise other activities

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1. Guatemala reaffirms that it has the sovereign right to enforce its Constitution and its domestic laws, taking into account its priorities and development plans, and in a way that is compatible ...
 2. The Bolivarian Republic of Venezuela does not agree to any commitment or mandate issued in this resolution as it did not participate in the negotiation of said resolution ...
 3. Trinidad and Tobago is unable to join the consensus on this document, as some areas are contrary to the laws of the Republic. Trinidad and Tobago remains firmly committed to the promotion and ...

to promote human rights and fundamental freedoms, as well as their contribution, *inter alia*, to the promotion and protection of, and respect for, human rights and fundamental freedoms in the Hemisphere.

2. To express strong condemnation of actions that prevent or hinder, whether directly or indirectly, the work of human rights defenders in the Americas.

3. To urge member states to strengthen the guarantees that enable human rights defenders to do their work intensify efforts to adopt necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their families, and combat impunity for attacks—including on-line—against human rights defenders, in order to create a climate conducive to the protection of rights and fundamental freedoms.

4. To urge member states to promote and ensure the full and safe participation of human rights defenders as potential strategic allies who can contribute deep, critical analyses of human rights issues in the region, and to meet their needs, in particular those of women, who have historically promoted the defense and full exercise of their rights in conditions of equality and non-discrimination.

5. To encourage member states, the international community, and human rights defenders to support the creation of opportunities for dialogue and cooperation, as appropriate, in order to continue working to promote and safeguard efforts toward human rights protection in the region, sharing experiences, as well as advances made by, and challenges to, institutions in this area.

ii. Right to freedom of thought and expression and the safety of journalists and media workers

CONSIDERING that the exercise of the right to freedom of opinion and expression is one of the cornerstones of a democratic society; is enabled by a democratic environment which, *inter alia*, offers guarantees for its protection; is essential for full and effective participation in a free and democratic society; and is pivotal in the development and strengthening of effective democratic systems;

CONSIDERING ALSO that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent, and inter-related;

RECOGNIZING the importance of the work being done by the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) on the safety of journalists and on combating impunity during its 20 years of existence;

CONSIDERING that journalism is the primary and principal manifestation of freedom of thought and expression and, for that reason, cannot be considered simply the provision of a service to the public that applies knowledge or training acquired at university. On the contrary, what journalists do is devote themselves professionally to social communication. Thus, the practice of journalism requires a person's responsible involvement in activities that are defined or encompassed by the freedom of expression guaranteed in the American Convention on Human Rights; and

RECOGNIZING that the work done by journalists, especially those who investigate and report on human rights violations, organized crime, corruption, and other serious wrongdoings,

exposes them to being victims of acts of aggression and other violence detrimental to their integrity, the existence of which deters them from doing their work and, therefore, deprives society of information of public interest; and expressing concern at the particular risks faced by women who practice journalism, who, in addition, are victims of discrimination, harassment, and sexual violence, including on line,

RESOLVES:

1. To condemn murders, acts of aggression, and other violence against journalists and media workers, given that such acts are an assault, not only on the lives, safety, and freedom of expression of the victims, but also on the right of everyone to receive information of public interest.

2. To reaffirm that journalism must be practiced free of threats, physical or psychological aggression, or other acts of intimidation, and to urge member states to implement comprehensive measures for prevention, protection, investigation and punishment of those responsible, as well as to put into action strategies to end impunity for crimes against journalists and share good practices, such as, *inter alia*, (i) creation of independent specialized prosecution units; (ii) adoption of specific investigation and prosecution protocols and methods; and (iii) provision of continuous training for members of the judiciary on freedom of expression and the safety of journalists.

3. To reaffirm that all journalists have the right to receive, seek, and impart information without any discrimination for reasons of race, color, sex, language, religion, political or other opinions, national or social origin, economic status, birth, or any other social condition.

4. To recommend that the Inter-American Commission on Human Rights (IACHR) and its Special Rapporteurship for Freedom of Expression continue to devote particular attention to activities concerning the safety of journalists and combating impunity for crimes committed against them, including holding workshops and meetings with academia, as well as the preparation of studies and reports on the subject; and to encourage member states to consider supporting the work of the IACHR and its Special Rapporteurship in that regard.

iii. Prevention and reduction of statelessness and protection of stateless persons in the Americas

CONSIDERING that statelessness, in all its forms, is a violation of human rights and fundamental freedoms and a serious humanitarian problem at the global level, and underlining the importance of the right of all persons to nationality, as recognized in Article XIX of the American Declaration of the Rights and Duties of Man and in Article 20 of the American Convention on Human Rights, as well as the importance of promoting accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and

CONSIDERING ALSO the crucial role played by states in preventing and eradicating cases of stateless persons in the region and the world,

RESOLVES:

1. To reaffirm its commitment to eradicating statelessness in the Americas and to invite member states to continue to move forward with implementing the actions proposed in the Global

Action Plan to End Statelessness: 2014-2024 and in the Brazil Plan of Action of 2014, and to support the global #Ibelong Campaign to eliminate statelessness by 2024 led by the Office of the United Nations High Commissioner for Refugees (UNHCR).

2. To underscore the importance of the conventions on statelessness, to urge member states that have not yet done so to consider ratifying or acceding to them; and to urge all member states to establish fair and efficient procedures deemed appropriate for determining statelessness, grant facilities for the naturalization of stateless persons, as applicable, and consider including that authority in the powers of the national committees for refugees (CONAREs) or equivalent technical bodies, in accordance with each country's domestic law.

3. To urge member states that have not yet done so to eliminate discrimination against women from the legal framework pertaining to nationality, include appropriate safeguards to prevent cases of statelessness, promote civil registry, and duly resolve existing cases of statelessness in line with their international obligations relating to human rights and statelessness, taking into account the specific needs of groups in vulnerable situations that are targets of discrimination or that have traditionally been discriminated against.

4. To recommend that member states consider the possibility of including, in their domestic laws, fair and efficient procedures for determining statelessness, in keeping with the applicable international instruments, in order to deal with those cases through an approach based on human rights that allows such persons access to a nationality, in accordance with the domestic law of each member state.

iv. Protection of refugees and asylum seekers in the Americas^{4/}

EMPHASIZING that the commemoration in 2014 of the thirtieth anniversary of the 1984 Cartagena Declaration on Refugees (Cartagena 30) has identified new demands and challenges in international protection for refugees, displaced, and stateless persons in the Americas, through active participation by the countries of Latin America and the Caribbean in collaboration with international agencies, civil society organizations, and other social actors;

UNDERSCORING the importance of the Brazil Declaration "A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean" and the Brazil Plan of Action "A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity," which were adopted on December 3, 2014, as the new strategic framework for protection of refugees, asylum seekers, displaced and stateless persons;

UNDERSCORING ALSO the importance of the commitments adopted globally by States in the New York Declaration for Refugees and Migrants, including participation in the development of the Global Compact on Refugees, which will conclude at the High-Level Meeting of the United Nations General Assembly on the subject, to be held in September 2018, that should reflect the positions and interests of the community with respect to refugees;

4. The United States understands the resolution's reaffirmation of prior documents to apply to those who affirmed them initially.

NOTING the contributions of Advisory Opinion OC-21/14 issued by the Inter-American Court of Human Rights on August 19, 2014, as regards the commitment of states to adopt regulations and guidelines to ensure the rights of refugee children in the region; and

CONSIDERING the convergence of international human rights law, international refugee law, and international humanitarian law, as well as the essential role of states in preventing situations in which human rights are undermined and can cause future cases of displaced persons and refugees,

RESOLVES:

1. To urge all states to continue to defend and observe the international principles on protection of refugees and asylum seekers, in particular the principle of *nonrefoulement* as well as promoting shared responsibility and international cooperation among member states.^{5/}

2. To recognize and reaffirm the full effect and fundamental importance of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol as the principal instruments for refugee protection, and, where applicable, of the Declaration of Cartagena of 1984, and to reaffirm the commitment of the states parties to those instruments to fully and effectively implement the obligations contained therein, in accordance with their objective and purpose.

3. To urge the countries that adopted the Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean,” at Brasilia on December 3, 2014, as a new strategic framework for meeting the protection needs of refugees, displaced, and stateless persons, to take an active part in the triennial evaluation of the Brazil Action Plan, pursue their thematic programs over the next decade on a footing of regional solidarity and cooperation, as well as shared responsibility, and continue facilitating exchanges of best practices among the countries of Latin America and the Caribbean, with the support of the international community and the UNHCR.

4. To invite states to demonstrate their solidarity with those countries that receive the largest numbers of, or register a significant increase in, refugees in the region through, *inter alia*, resettlement measures, as part of a lasting solution.

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

HIGHLIGHTING that, to date, 16 member states of the OAS have ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, (Protocol of San Salvador), Article 19 of which provides that the States Parties shall undertake to submit periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in the Protocol, and that the corresponding rules were established by resolution AG/RES. 2074 (XXXV-O/05) and other subsequent resolutions; and

MINDFUL that by resolution AG/RES. 2823 (XLIV-O/14) and subsequent resolutions, the Technical Secretariat of the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador was requested to review all existing regulations concerning the

5. For Colombia, the concept of shared responsibility does not imply additional obligations for states of origin and should be interpreted based on principles of solidarity and international cooperation.

composition, designation, and rotation of the members of the Working Group and the length of their terms of office and, as necessary, to submit to the General Assembly any relevant adjustments and clarifications to ensure the Group's correct operation in its review of the reports; and that the Regulations and Rules of Procedure of the Working Group (CP/CAJP/INF. 186/13) provide that if new members of the Working Group have not been elected to replace those completing their term of office, the latter shall continue to serve until the new members are elected,

RESOLVES:

1. To commend the commitment and efforts of the States Parties that met the deadlines for the presentation of national reports, and to request the States Parties that have not yet done so to submit promptly the reports covering both groups of rights; and, in addition, to applaud the work of the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador, which to date has concluded the evaluation process for eight States Parties.

2. To invite member states to consider signing, ratifying, or acceding to, as applicable, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) and to invite member states and permanent observer states, as well as individuals or public or private institutions, whether national or international, as defined in Article 74 of the General Standards to Govern the Operations of the General Secretariat and other provisions of the Organization of American States, to contribute to the Specific Fund for the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador.

3. To update the document "Composition and Functioning of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador," adopted by resolution AG/RES. 2262 (XXXVII-O/07), in order to ensure an orderly process that will guarantee the correct operation of the Working Group. This update shall be conducted on the basis of the alternatives assessed by the Working Group at the meeting held in Buenos Aires, Argentina, in May 2017, on the composition, designation, and rotation of the members of the Working Group and the length of their terms of office. The document shall be updated by the CAJP for adoption by the Permanent Council in the second half of 2017.

vi. Autonomous official public defenders as a guarantee of access to justice for vulnerable groups

RECALLING the Brasilia Rules regarding Access to Justice for Vulnerable Persons adopted by the XIV Ibero-American Judicial Summit in March 2008, which systematize principles and standards in the area of human rights in order to ensure access to justice for vulnerable groups; and the results of the XVIII Ibero-American Judicial Summit, held in Asunción, Paraguay, in April 2016, which contributed to the strengthening of judicial coordination and cooperation as an indispensable element for guaranteeing access to justice for all persons, especially those in vulnerable circumstances; and

TAKING NOTE of the Principles and Guidelines on Public Defense in the Americas, unanimously adopted by the Inter-American Juridical Committee (CJI) in resolution CJI/RES. 226 (LXXXIX-O/16) at its 89th regular session, held in Rio de Janeiro, on October 16, 2016,

RESOLVES:

1. To encourage member states and official public defender institutions in the Americas to pursue, in their day-to-day activities and as autonomous bodies, as appropriate, best practices to implement tools, including the Brasilia Rules regarding Access to Justice for Vulnerable Persons, with a view to working to remove existing barriers to access to justice and enjoyment of rights for vulnerable persons.

2. To encourage member states and official public defender institutions to seek absolute respect for the work of public defenders in the exercise of their functions, free from interference and undue controls from the other powers of the state, as a means to ensure the right of access to justice for all persons, especially those in vulnerable situations.

3. To take note of the Principles and Guidelines on Public Defense in the Americas, unanimously adopted by the Inter-American Juridical Committee in resolution CJI/RES. 226 (LXXXIX-O/16), which systematize and reinforce central concepts of the resolutions on public defense adopted by this General Assembly session, and to request the Department of International Law to disseminate them broadly.

4. To encourage member states and official public defender institutions in the Americas to ensure effective and equal access to justice for women, without discrimination of any kind.

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

CONSIDERING that recognition of the identity of persons facilitates the enjoyment of human rights, including the right to nationality, which is enshrined in international instruments such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and understanding that the exercise of these rights is essential for the consolidation of any democratic society,

RESOLVES:

1. To express satisfaction with the outcomes of the First Meeting of Ministers and National Authorities in the Americas on the Right to Identity and of the XIII Meeting of the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV); to thank the Government of Mexico for the successful organization of those meetings; and to endorse the ministerial declaration signed in Mexico City on September 29, 2016.

2. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA), to continue providing member states that so request with the necessary assistance for improving their civil registry systems and bringing about their universal coverage.

3. To recommend that member states consider making the necessary adjustments to ensure full respect for human rights in relation to identity, including nationality, name, and family members, as established in international human rights instruments, including the American Convention on Human Rights, without discrimination of any kind or interference.

viii. Rights of Persons Deprived of Liberty

RECOGNIZING the commitment of the member states to respect, ensure, and protect the human rights of persons deprived of liberty, as established in international instruments and human rights treaties on the subject, and taking into account the reports published by the IACHR on the human rights of persons deprived of liberty,

RESOLVES:

1. To urge member states to continue to comply with their international obligations to respect, ensure, and protect the human rights of persons deprived of liberty, with a gender perspective sensitive to the varied needs of different groups, paying particular attention to the situation of vulnerable groups and of persons sentenced to death, consistent with the existing domestic laws.

2. To urge member states to consider adjusting their regulatory, legal, institutional, and public-policy frameworks in order to ensure that conditions of detention abide by the principle of human dignity, applying a gender perspective and other approaches addressing the circumstances of groups in situations of vulnerability, and to consider incorporating noncustodial alternatives or substitutes whose application takes into account international instruments adopted on such matters, the principle of presumption of innocence, proportionality of punishment, and social reintegration; and to encourage them to take the necessary steps to prevent torture in detention facilities.

3. To encourage member states, the IACHR, and its Rapporteurship on the Rights of Persons Deprived of Liberty to continue the dialogue on best practices with respect to prison and penitentiary policies, placing particular emphasis on strategies and actions to ensure respect, guarantees, and protection for the human rights of persons deprived of liberty.

4. To encourage countries to cooperate with the efforts carried out by the International Committee of the Red Cross (ICRC) within its sphere of competence, in order to contribute to national and regional initiatives and address the needs of persons deprived of liberty in the various countries where the ICRC operates.

ix. Promotion and protection of human rights in business

UNDERSCORING that the United Nations 2030 Agenda for Sustainable Development promotes development based on responsible corporate behavior and makes reference to the United Nations Guiding Principles on Business and Human Rights, among other initiatives;

RECOGNIZING that companies have the capacity to contribute to economic wellbeing, development, technological progress, and wealth, as well as the responsibility to respect human rights and promote gender equality and equity and economic empowerment for women, among other issues;

CONSIDERING the importance of continuing progress in the area of business and human rights in the Hemisphere through constructive dialogue among all actors involved, whether from the public sector, private sector, or civil society; and

TAKING NOTE of the reports prepared on this subject by the CJI and the IACHR, together with the resolutions on the matter adopted by the General Assembly of the OAS, including resolution AG/RES. 2887 (XLVI-O/16), which requested the IACHR to conduct a study on inter-American

standards on business and human rights based on an analysis of conventions, case law, and reports put forth by the inter-American system, contingent on the necessary financial resources being identified,

RESOLVES:

To renew the request to the IACHR to conduct a study on inter-American standards on business and human rights based on an analysis of conventions, case law, and reports put forth by the inter-American system, which could be an input for the efforts of member states in the context of their national initiatives in the area of business and human rights.

- x. Support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities and Follow-up to the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities

BEARING IN MIND the commitments undertaken by the member states with respect to promoting the rights of persons with disabilities in the Americas, reflected, *inter alia*, in the Inter-American Convention on 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), as well as the need to revise and update the contents of that program in keeping with the change of paradigm from a medical care model to a social model in which persons with disabilities are recognized as holders of rights within a framework of full respect for human diversity,

RESOLVES:

1. To encourage OAS member states that are not parties to the CIADDIS to accede to and ratify that convention with a view to stepping up regional efforts with regard to the inclusion of persons with disabilities and, likewise, to reiterate the importance of making voluntary contributions to the Specific Fund for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) [CP/RES. 947 (1683/09)] established to supplement funding for the activities of CEDDIS and its Technical Secretariat, as well as to encourage the States Parties to make every effort to implement the recommendations put forward by CEDDIS in its evaluations, for each sphere of activity, of national reports on implementation of the CIADDIS-PAD.

2. To instruct CEDDIS to form a joint working group composed of its members and of experts from civil society organizations of and for persons with disabilities and other social actors in the region, with a view to formulating a proposal for improving and updating the contents of the PAD, to be presented for consideration by the General Assembly at its forty-eighth regular session.

3. To urge that working group, in updating the PAD, to consider including the following spheres of action: recognition of the right of persons with disabilities to exercise their legal capacity and their access to justice; the right to personal autonomy and an independent life; sexual and reproductive health of persons with disabilities; priority attention to persons with disabilities in risk management and disaster prevention; the right to inclusive and accessible education; and a life free from violence, among other issues, in line with the 2030 Agenda for Sustainable Development.

4. To recognize the work of the Department of Social Inclusion of the General Secretariat in its capacity as the Technical Secretariat of CEDDIS, and to instruct it, in coordination with the member states, to continue disseminating and promoting the rights of persons with disabilities and their full participation in all spheres of society; and to reiterate the request to the General Secretariat to make the greatest possible efforts to mainstream a perspective of inclusion for persons with disabilities, with a rights-based approach.

xi. Plan of Action for the Decade for People of African Descent in the Americas (2016-2025)

TAKING NOTE WITH SATISFACTION of the adoption of the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025) by resolution AG/RES. 2891 (XLVI-O/16);

BEARING IN MIND that the Inter-American Democratic Charter proclaims that respect for ethnic, cultural, and religious diversity in the Americas contributes to strengthening democracy and citizen participation, and that the Social Charter of the Americas provides that “[m]ember states recognize the contributions of indigenous peoples, afro-descendants, and migrant communities to the historical process of the Hemisphere and will promote recognition of their value”; and

REAFFIRMING the steadfast commitment of the member states to confront, through various mechanisms, the scourge of racism, discrimination, and intolerance in their societies as a problem that affects society in general, and that all of its individual, structural, and institutional manifestations must be fought,

RESOLVES:

1. To urge OAS member states to adopt all measures needed at the national level to implement the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025).

2. To urge member states and permanent observers to provide the OAS with the human and financial resources needed to implement the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025).

3. To instruct all the secretariats, executive secretariats, and institutions of the OAS to make every effort to disseminate and implement the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025).

xii. Human rights, sexual orientation, and gender identity and expression^{6/7/8/9/10/11/12/}

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6. The Republic of Paraguay reiterates its commitment toward the principles of the Universal Declaration of Human Rights and international conventions signed on the topic, ...
 7. The State of Guatemala declares that it promotes and defends all human rights. With respect to the provisions of this section, it reaffirms the equality of all human beings under the provisions of ...
 8. The Government of Suriname remains committed to promoting and defending all human rights for all and, based on the principle of equality by which all who are ...
 9. The Government of Jamaica is fully committed to protecting the human rights of all its citizens including from any form of violence in accordance with the rule of law ...

TAKING INTO ACCOUNT that lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons are subject to various forms of violence and discrimination based on the perception of their sexual orientation and gender identity or gender expression; recognizing that many challenges remain regarding the promotion and protection of the human rights of LGBTI persons; and taking into consideration the important work carried out by the IACHR Rapporteurship on the matter,

RESOLVES:

1. To condemn all forms of discrimination and acts of violence on the basis of sexual orientation and gender identity or expression; to urge member states within the parameters of the legal institutions of their domestic systems to eliminate, where they exist, barriers faced by lesbian, gays, bisexual, trans, and intersex (LGBTI) persons to equal access to political participation and other areas of public life, and to avoid interferences in their private life; and to encourage member states to consider adopting public policies against discrimination and violence by reason of sexual orientation and gender identity or expression.

2. To condemn acts of violence and human rights violations committed by reason of sexual orientation and gender identity or expression; to urge member states to strengthen their national institutions, including through the production of data on homophobic and transphobic violence for the promotion of public policies that protect the human rights of LGBTI persons, with a view to preventing and investigating acts of violence and ensuring due judicial protection for victims on an equal footing and that the perpetrators are brought to justice; in addition, to consider the recommendations contained in the report “Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas” adopted by the IACHR in November 2015, with the aim of adopting and implementing effective measures to combat violence and discrimination against LGBTI persons.

3. To urge member states to ensure adequate protection for human rights defenders who work in the area of violence, discrimination, and human rights violations committed against individuals on the basis of their sexual orientation and gender identity or expression.

4. To urge member states to afford appropriate protection to intersex people and to implement policies and procedures, as appropriate, to ensure medical practices that are consistent with applicable human rights standards.

5. To request the IACHR and the General Secretariat to continue to pay particular attention to activities related to protection and promotion of the rights of LGBTI persons, including the preparation of studies and regional or thematic reports and the generation of spaces for exchanges of good practices; and to urge member states to support the efforts of the Commission and the General Secretariat in that connection.

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10. Saint Lucia is unable to agree to this section. Most of the terms are not defined under international agreements and resolutions to which Saint Lucia is committed. ...
 11. The Government of Barbados is unable to join consensus on the approval of this section given that a number of the issues and terms contained in the resolution are neither reflected ...
 12. Saint Vincent and the Grenadines is unable to join consensus on the approval of this resolution. Saint Vincent and the Grenadines promotes and defends human rights, and reaffirms ...

xiii. Observations and recommendations on the Annual Report of the Inter-American Commission on Human Rights^{13/}

RECOGNIZING the work of the IACHR in fulfilling its function of promoting observance and protection of human rights and as an advisory body in this area, particularly as regards the development of human rights protection standards on such issues as equality and nondiscrimination through its thematic, country, and individual case reports; conducting observation and working visits; implementing innovative mechanisms to provide technical advice and promote justice in member states; underlining also its progress in updating the individual cases and petitions system in order to facilitate access to justice for victims of human rights violations, promoting the use of its friendly settlement mechanism, organizing human rights promotion and training activities, and holding public hearings as an inter-American forum for human rights in the region;

RECOGNIZING ALSO the adoption by the IACHR, following extensive consultations, of the 2017-2021 Strategic Plan, which contains five strategic objectives and 21 programs aimed at fulfilling its mission and addressing current and future challenges in promoting and protecting human rights in the Hemisphere;

REITERATING the importance that all OAS member states ratify or adhere to, as appropriate, the inter-American conventions and protocols on human rights, particularly the American Convention on Human Rights; and

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

RESOLVES:

1. To reaffirm member states' commitment to the IACHR.
2. To urge the member states that have not yet done so to sign, ratify, or accede to, as soon as possible and as applicable, all universal and inter-American human rights instruments, particularly the American Convention on Human Rights.
3. To reaffirm its commitment to attaining full financing of the IACHR through the Regular Fund of the Organization of American States, without prejudice to the financing of the other mandates of the Organization. Until that commitment is fulfilled, to invite member states, observer states, and other institutions to continue making voluntary contributions. In this context, member states are encouraged to evaluate the possibility of continuing to invite the Commission to make observation and working visits and to hold special sessions in the member states. Also to encourage the IACHR to continue submitting the financial and resources report that is customarily included in its annual report.

xiv. Observations and recommendations on the Annual Report of the Inter-American Court of Human Rights

13. The Government of Nicaragua considers unacceptable the double standard of the Inter-American Commission on Human Rights in maintaining Chapter IV.B of its Annual Report. ...

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

UNDERSCORING the importance of the Inter-American Court of Human Rights in the effective promotion and protection of human rights in the Hemisphere, through the performance of its adjudicatory and advisory functions; and

RECOGNIZING the importance of continuing to extend invitations for the Inter-American Court of Human Rights to hold sessions away from its seat as an important initiative to raise awareness of, and promote, human rights; and the constructive nature of hearings to monitor compliance with its judgments,

RESOLVES:

1. To reaffirm the essential value of the work, jurisprudence, and advisory opinions of the Inter-American Court of Human Rights for the effective exercise and observance of human rights in the Hemisphere and for the rule of law, to underscore its work in monitoring compliance with judgments, and to urge states to comply with its judgments.

2. To encourage member states to continue extending invitations to the Inter-American Court of Human Rights for it to meet away from its headquarters, insofar as it is an important mechanism for disseminating the inter-American system for protection of human rights in the region.

3. To reaffirm its commitment to attaining full financing of the Inter-American Court of Human Rights through the Regular Fund of the OAS, without prejudice to the financing of the other mandates of the Organization. Until that commitment is fulfilled, to invite member states, observer countries, and other institutions to continue making voluntary contributions, within their capabilities, to the Inter-American Court. Member states and other institutions are also invited to continue to make contributions, within their capabilities, to the Victims' Legal Assistance Fund.

xv. Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

UNDERSCORING the importance that the Inter-American Court of Human Rights and the IACHR be composed of impartial, independent individuals of recognized competence in the field of human rights, in keeping with the principles of nondiscrimination, gender equality and equity, and geographic representation, so that they can continue to carry out their mandates properly; and

CONSIDERING that a gender-balanced composition, and balanced geographic and legal-system representation on the Inter-American Court of Human Rights and the IACHR will result in sound treatment for the prevention, promotion, protection, and guarantee of regional human rights issues and problems, with special attention to areas for which the IACHR has rapporteurships, among others,

RESOLVES:

1. To encourage states, in selecting judges of the Inter-American Court of Human Rights and commissioners of the IACHR, to nominate and elect persons who would ensure a membership that offers balance in terms of gender and representation of the different regions, population groups, and legal systems of the Hemisphere, while guaranteeing the requirements of independence, impartiality, and recognized competence in the field of human rights.

2. To instruct the Permanent Council to invite the candidates proposed by member states for the position of judge on the Inter-American Court of Human Rights or commissioner on the IACHR to deliver a public presentation to the Council prior to the elections, if possible, in order to describe in greater detail their vision, proposals, and initiatives that they would undertake if elected. Such presentations will be made, if possible, at the same meeting of the Council and be disseminated as widely as possible.

3. To instruct the CAJP to include in its 2017-2018 work program follow-up of application of the principles of nondiscrimination, gender equity and equality, and geographic representation in the election of commissioners of the IACHR and judges of the Inter-American Court of Human Rights, and to report to the Permanent Council thereon.

xvi. Financing of the organs of the inter-American human rights system from the program-budget of the Organization for 2018

CONSIDERING:

That at its forty-sixth regular session, through resolution AG/RES. 2887 (XLVI-O/16), the OAS General Assembly underscored the importance of the Inter-American Court of Human Rights for the effective protection of human rights and recognized the work of the IACHR in fulfilling its function of promoting observance and defense of human rights, while reaffirming the commitment to achieve full funding for both organs from the OAS Regular Fund;

That, at the fifty-first special session of the General Assembly, the delegations of Mexico and Argentina each presented proposals aimed at increasing funding for the inter-American human rights system, in order to enable it to function appropriately and effectively;

That, at its fifty-first special session, the General Assembly reiterated, through resolution AG/RES. 2 (LI-E/16) rev. 4, "Program-Budget of the Organization for 2017," that the member states are committed to continuing to seek solutions to attain full financing of the organs of the inter-American human rights system through the OAS Regular Fund, including an assessment as to whether to reallocate funds from the Regular Fund and an analysis of different funding options for ensuring the medium- and long-term sustainability of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; and

That, likewise, resolution AG/RES. 2 (LI-E/16) rev. 4, "Program-Budget of the Organization for 2017," instructed the General Secretariat and the Permanent Council to review funding arrangements to support the organs of the inter-American human rights system when budgetary issues arise that jeopardize their ability to carry out their activities and fulfill their functions,

RESOLVES:

1. To request the CAAP, considering the existing resources, to double the amount of Regular Fund resources earmarked for the organs of the inter-American human rights system— IACHR and Inter-American Court of Human Rights—over a three-year period.

2. That the options for doubling the budget allocation for the organs of the inter-American human rights system shall not entail an increase in the member states' quotas for the regular budget of the OAS and shall be based on a clear and detailed plan of activities outlining the capacity of the Commission and the Court to absorb an increase in financing and to achieve expected results. That the level of funding and the modalities and procedures to be followed to reach the doubling of resources mentioned in the previous paragraph will be included in the resolution on the financing of the Organization and in the OAS program-budget for the years 2018, 2019, and 2020.

xvii. Rights of the child

CONSIDERING the demographic characteristics of the region, where 40 percent of the population are under the age of 18, and that in subregions such as Central America more than 55 percent are;

UNDERSCORING the importance of strengthening the participation of children and adolescents in decisions that affect their lives; and

CONSIDERING that the Inter-American Children's Institute (IIN) is the specialized organization of the OAS on policies for children and adolescents,

RESOLVES:

1. To help strengthen comprehensive systems for promoting and protecting the rights of children and adolescents in the region by fostering universal and inclusive public policies that pay special attention to groups that have traditionally been excluded and/or are vulnerable, including girls, indigenous and Afro-descendent children, and children with disabilities.

2. To foster educational, communications-related, and coordination activities in an effort to advance a culture of human rights, with the conviction that an approach that ensures the rights of children and adolescents, promotion of equality, and a gender perspective are inextricably linked to the consolidation and deepening of democracies as a way of life that respects the dignity of all, irrespective of differences.

3. To request the CAAP to increase, within existing resources, the total Regular Fund resource allocation to the IIN by 49 percent. That the methods and procedure to be followed in making the above-mentioned increase shall be included in the resolution on the financing of the Organization and in the program-budget of the OAS for 2018, and shall not entail a quota increase.

xviii. Strengthening the Inter-American Commission of Women for the promotion of gender equity and equality, the human rights of women and girls, and elimination of discrimination and all forms of violence against them

RECOGNIZING the importance that the OAS has placed on gender equality and gender equity, empowerment of women and girls, and on them fully exercising their human rights, as well as on strengthening the Inter-American Commission of Women (CIM), including providing it with adequate human and financial resources to accomplish its mandates, as the main forum for generating hemispheric policies to support these objectives,

RESOLVES:

1. To continue supporting the work of the CIM in fulfillment of its objectives and functions by addressing issues of special concern, in particular: (i) Women's participation and leadership in the political arena on an equal footing and free from discrimination and violence; (ii) Promotion of the human rights of women and girls and the eradication of gender-based violence and harmful practices, including child, early, and forced marriage and unions; (iii) Promotion of women's autonomy and economic empowerment; and (iv) Communication promoting gender equality and human rights.

2. To follow up, through the corresponding committees, on the objectives set forth in the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) and the CIM 2016-2021 Strategic Plan, adopted by the Thirty-seventh Assembly of Delegates of the CIM, particularly with respect to gender mainstreaming in all activities of the OAS and, as a matter of priority, at ministerial meetings, at OAS General Assembly sessions, and in preparations for and follow-up on Summits of the Americas.

3. To request the CAAP to increase, within existing resources, the allocation from the OAS regular budget for the CIM. The modalities and the amount to be allocated to the CIM, which shall not entail any quota increases, will be included in the resolution on the financing of the Organization and in the OAS program-budget for 2018.

xix. Strengthening the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)

RECALLING that the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará," establishes the duty of the States Parties to pursue, by all appropriate means and without delay, policies and programs to prevent, punish, and eradicate discrimination and violence against women and girls in the public and private spheres, and mindful that it is important and necessary to strengthen the Convention's follow-up mechanism, the MESECVI,

RESOLVES:

1. To strengthen support for 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), as a hemispheric benchmark in preventing, punishing, and dealing with violence against women and girls, and to monitor the full implementation of the Convention, including adapting their laws and implementing, as appropriate, the recommendations of the multilateral evaluation rounds conducted by the Mechanism.

2. To continue to promote, through the Mechanism's follow-up work, implementation of the Convention of Belém do Pará, promoting gender equality and empowerment for women and girls, taking into account the multiple and cross-cutting forms of discrimination suffered by women and girls belonging to groups in vulnerable circumstances, in the following areas: (a) sexual violence and teenage pregnancy, as well as the link between them; (b) STIs and HIV/AIDS; (c) political violence against and harassment of women; (d) stereotype-free education; (e) access to justice; and (f) social and institutional tolerance of gender-based violence.

3. To underscore the work done by the MESECVI Committee of Experts for the drafting of the "Hemispheric Report on Child Pregnancy in the States Party to the Belém do Pará Convention."

4. To request the MESECVI Technical Secretariat to promote and support dialogue between the competent national authorities and the MESECVI Committee of Experts on progress and challenges in important areas related to strengthening, compliance with, and raising awareness of the Convention of Belém do Pará, as decided by the Sixth Conference of States Parties to the Convention of Belém do Pará.

II. FOLLOW-UP AND REPORTING

RESOLVES:

1. To instruct the General Secretariat to submit in due course, through the areas responsible for follow-up and execution of activities in connection with the purposes of this resolution, its 2017-2018 plan of activities for consultation or proper oversight by member states.

2. To request the Permanent Council, through the Committee on Juridical and Political Affairs (CAJP), to include in its agenda the following matters covered by this resolution, prior to the forty-eighth regular session of the General Assembly, with a view to promoting exchanges of experiences and best practices:

- "Autonomous official public defenders as a guarantee of access to justice for vulnerable groups." The holding in the first quarter of 2018 of the sixth special meeting of the CAJP on best practices for full implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People pursued by each public defender institution in the region, attended by member states and their respective official public legal aid institutions, members of the Inter-American Association of Public Defender Offices (AIDEF), experts from academia, civil society, and international organizations. That organization will ensure the attendance of AIDEF members.
- To request that the Permanent Council, through the CAJP, hold a special meeting on the topic of "human rights and business," no later than the first quarter of 2018, with a broad agenda that considers national practices—including legislation and case law—and multilateral initiatives at the regional and global level, as well as the reports on this topic produced by the CJI and the IACHR. The meeting will be attended by national representatives and

experts from academia, civil society, business, and international organizations; also to request the Secretariat for Legal Affairs to prepare a report on that meeting for the information of the General Assembly. The meeting will be held within the resources assigned to the CAJP.

3. To request the Permanent Council to report to the General Assembly at its forty-eighth regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

FOOTNOTES

1. ... with universally agreed on international human rights.
2. It is still within the denunciation period established in Article 143 of the OAS Charter.
3. ... preservation of the rule of law and the protection of human rights and fundamental freedoms of all people, as enshrined in the Constitution of Trinidad and Tobago.
5. ... and inconsistent with the primary function of promoting and protecting human rights assigned by the states to this organ. The Government of Nicaragua, therefore, recommends the elimination of that chapter, which contravenes the provisions established in the American Convention on Human Rights.
6. ... and it reaffirms the contents of Title II, “Rights, Duties, and Guarantees,” Chapter III, “Equality,” and Chapter IV, “The Rights of the Family,” of its national Constitution and related provisions. Consequently, it notes its reservation regarding the text of section xii, “Human rights, sexual orientation, and gender identity and expression.” Furthermore, the expression “gender identity” as contained in other paragraphs of this resolution will be interpreted in accordance with its domestic laws.
7. ... the Constitution of the Republic of Guatemala and does not discriminate for any reason. It also considers that the lawful nonrecognition of marriage between persons of the same sex is not a discriminatory practice. Guatemala also dissociates itself from those parts that are incompatible with, or contrary to, current national law, and it reserves the right to interpret the terms of section xii.
8. ... within the territory of Suriname have an equal claim to protection of person and property, does not discriminate on the grounds of birth, sex, race, language, religious origin, political beliefs, economic position or any other status.

As a multicultural society, the subject of sexual orientation and gender identity is one that requires a broad consultation process at the national level, involving all sectors of the society, including civil society. While the national process of consultations has begun, no outcome has been reached on the many principles expressed in this resolution.

The Republic of Suriname would be willing to join in the adoption of this resolution, but places on record that it can only be in a position to acknowledge some of the elements and principles addressed in this resolution once its national consultation process is concluded and consensus is reached on these matters. The Government of Suriname remains committed to intergovernmentally agreed human rights and fundamental freedoms, as enshrined in the various global human rights instruments.
9. ... and the Jamaican Constitution. Jamaica, however expresses its reservation regarding terminologies such as gender identity and gender expression which are not defined in Jamaican law and have not gained international acceptance.
10. ... The terms indicated do not enjoy international consensus, nor are they defined under international law. These undefined terms thus make it impossible for the Government of Saint Lucia to commit itself.

At the same time, the Government of Saint Lucia reaffirms its commitment to the protection of human rights for all, non-discrimination, fundamental freedoms for all persons, the family, and the preservation of the rule of law as enshrined in its Constitution.

11. ... in its national laws nor the subject of national consensus. As such, Barbados would not be in a position to meet these requirements. However, the Government of Barbados remains committed to protecting the rights of all from harm and violence, in keeping with the rule of law and the provisions of its Constitution.

12. ... the equality of all human beings as enshrined in its Constitution. It is necessary to underscore that some of the terms in this resolution are not defined in the domestic laws of Saint Vincent and the Grenadines nor internationally. Accordingly, Saint Vincent and the Grenadines disassociates itself from those terms that are incompatible with and contrary to its national laws, reserving its rights to interpret the terms of this resolution.

13. ... The criteria used are subjective, politicized, discriminatory, and inconsistent with the primary function of promoting and protecting human rights assigned by the states to this organ. The Government of Nicaragua, therefore, recommends the elimination of that chapter, which contravenes the provisions established in the American Convention on Human Rights.

In addition, we categorically reject the efforts of the IACHR to embroil the Government of Nicaragua in personal disputes among residents of Nicaragua's Caribbean Coast region, as well as its distorted portrayal of the facts, by which it falsely asserted those individuals to be human rights defenders with the clear aim of tarnishing the credibility and good standing that the Government of the Republic of Nicaragua enjoys in the area of human rights promotion and protection, which actions do not contribute to the social and political stability of the Nicaraguan State.

