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Item 13 on the agenda

DRAFT RESOLUTION

PROMOTION AND PROTECTION OF HUMAN RIGHTS <sup>1/2/</sup>

(Considered by the Permanent Council at its meeting held on June 14, 2017,  
and referred to the General Committee of the General Assembly)

THE GENERAL ASSEMBLY,

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2016 - June xxxx” (AG/doc.xxxx/17), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); (*Approved 06/5/17*)

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; (*Approved 06/5/17*)

REAFFIRMING the norms and principles of international law and those contained in the Charter of the Organization of American States, international human rights law, and international humanitarian law, as well as the rights enshrined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and other binding inter-American instruments on 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 (*Approved 06/5/17*)

RECALLING declaration (AG/DEC. 71 (XLIII-O/13) 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, (*Approved 06/5/17*)

i. Human rights defenders

HIGHLIGHTING the commitment of OAS member states to promote, respect and ensure the right of everyone, including on line, including the human right “to promote and to strive for the

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1. The State of Guatemala declares that it promotes and defends all human rights and, with respect to the provisions of this resolution, reaffirms the equality of all human beings under the provisions ...
  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. ...

protection and realization of human rights and fundamental freedoms at the national and international levels”, (Approved 06/5/17)

RESOLVES:

1. To reiterate its support for the work carried out at the national and regional levels by human rights defenders, and 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 to promote human rights and fundamental freedoms and their contribution, *inter alia*, to the promotion and protection of, and respect for, human rights and fundamental freedoms in the Hemisphere.(Approved 06/5/17)

2. To express strong condemnation of actions that prevent or hinder, whether directly or indirectly, the work of human rights defenders in the Americas.(Approved 06/5/17)

3. Urge states to strengthen the guarantees that enable human rights defenders to do their work and intensify efforts to adopt necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their families and to combat impunity for attacks including on the on line, against human rights defenders in order to create a climate conducive to the protection of rights and fundamental freedoms.(Approved 06/5/17)

4. To urge the 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 topics in the region, and to meet the needs, in particular those of women, that have historically promoted the defense and full exercise of their rights in conditions of equality and nondiscrimination. (Approved 06/5/17)

5. To encourage the States, the international community, and human rights defenders to support the creation of appropriate opportunities for dialogue and cooperation, in order to continue working to promote and ensure the work of human rights protection in the region, sharing experiences, as well as advances made by and challenges to institutions in this area.(Approved 06/5/17)

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 essential foundations 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 instrumental to the development and strengthening of effective democratic systems; (Approved 06/5/17)

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 other freedoms, bearing in mind that all human rights are universal, indivisible, interdependent, and inter-related; (Approved 06/5/17)

RECOGNIZING the importance of the work being done by the Special Rapporteurship for Freedom of Expression of the IACHR on the safety of journalists and on combating impunity during the 20 years it has existed; *(Approved 06/8/17)*

CONSIDERING that journalism is the primary and principal manifestation of freedom of thought and expression and, for that reason, cannot be conceived of as merely 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 exercise of their profession 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 *(Approved 06/12/17)*

RECOGNIZING ALSO 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 aggressions and other acts of violence detrimental to their integrity and whose existence dissuade them to pursue their work and in consequence deprive 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; *(Approved 06/5/17)*

RESOLVES:

1. To condemn murders, aggressions, and other acts of violence against journalists and media workers, given that such acts are not only an assault on the lives, safety, and freedom of expression of the victims but also against the right of everyone to receive information of public interest. *(Approved 06/12/17)*

2. To reaffirm that journalism must be practiced free of threats, physical or psychological aggression, or other acts of intimidation and to urge 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 the subject of freedom of expression and the safety of journalists on freedom of expression and the safety of journalists. *(Approved 06/8/17)*

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. *(Approved 06/12/17)*

4. To recommend that the IACHR and its Special Rapporteurship 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 Commission and its Special Rapporteurship in that regard. *(Approved 06/8/17)*

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, 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 relevance of promoting accession to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and *(Approved 06/8/17)*

CONSIDERING ALSO the crucial role played by states in preventing and eradicating cases of stateless persons in the region and the world, *(Approved 06/5/17)*

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, in the Brazil Plan of Action of 2014 and to support the global #Ibelong campaign to eliminate statelessness by 2024, led by UNHCR. *(Approved 06/5/17)*

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 appropriate, and consider including that authority among the powers of the national committees for refugees (CONAREs) or equivalent technical bodies, in accordance with each country's domestic laws. *(Approved 06/5/17)*

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 in relation 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. *(Approved 06/8/17)*

4. To recommend that 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. *(Approved 06/5/17)*

iv. Protection of refugees and asylum-seekers in the Americas<sup>3/</sup>

STRESSING that the commemoration of the thirtieth anniversary of the 1984 Cartagena Declaration on Refugees (Cartagena 30), held in 2014, has identified new demands and challenges in international protection for refugees and displaced and stateless persons in the Americas, through

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3. Footnote of the delegation of the United States: "We understand the resolution's reaffirmation of prior documents to apply to those who affirmed them initially."

active participation by the countries of Latin America and the Caribbean in collaboration with international agencies and civil society organizations and other social actors. (*Approved 06/5/17*)

UNDERSCORING the importance of the Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees and Displaced and Stateless Persons in the Americas” and the Brazil Plan of Action “A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees and Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity,” both adopted on December 3, 2014, as the new strategic framework for protection of refugees, asylum-seekers, and displaced and stateless persons. (*Approved 06/5/17*)

UNDERSCORING 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; (*Approved 06/8/17*)

NOTING the contributions of advisory opinion No. OC-21/14 of the Inter-American Court of Human Rights, issued 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 (*Approved 06/5/17*)

CONSIDERING the convergence of international human rights law, international refugee law, and international humanitarian law, and the essential role of states in preventing situations in which human rights are undermined and that could cause future cases of displaced persons and refugees, (*Approved 06/5/17*)

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 between member states. (*Approved 06/5/17*)

2. To recognize and reaffirm the full implementation and vital importance of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol as the main instruments for protection of refugees including, where applicable, the Declaration of Cartagena of 1984 and to reaffirm the commitment by the states party to those instruments to fully and effectively implementing the obligations contained therein, in accordance with their objective and purpose. (*Approved 06/5/17*)

3. To urge the countries that adopted the Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees and Displaced and Stateless Persons in Latin America and the Caribbean,” adopted in Brasilia on December 3, 2014, as a new strategic framework for meeting the protection needs of refugees and displaced and stateless persons – to take an active part in the triennial evaluation of the Brazil Action Plan, set in motion over the next decade the thematic programs they have implemented, based on regional solidarity and cooperation, and shared responsibility and continue facilitating the exchange

of best practices among the countries of Latin America and the Caribbean, with the support of the international community and the UNHCR. *(Approved 06/5/17)*

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 resettlement measures, among others, as part of a lasting solution. *(Approved 06/12/17)*

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

HIGHLIGHTING that to date, 16 member states of the Organization of American States (OAS) have ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, "Protocol of San Salvador," Article 19 of which provides that the States Parties shall undertake to submit periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in the Protocol, and that the corresponding rules were established by resolution AG/RES. 2074 (XXXV-O/05) and other subsequent resolutions; and *(Approved 06/5/17)*

MINDFUL that by means of AG/RES. 2823 (XLIV-O/14) and subsequent resolutions the Technical Secretariat of the Working Group was requested to review all existing regulations concerning the composition, designation, and rotation of the members of the Working Group and the length of their terms of office and, as necessary, to submit to the General Assembly any adjustments and clarifications required to guarantee the group's smooth operations in its review of the reports; and that the Rules of Procedure and Other Provisions of the Working Group, distributed by means of document CP/CAJP/INF.187/13, provide that if new members of the Working Group are not elected to replace those members whose mandates are concluding, the latter shall continue to serve until the new members are elected, *(Approved 06/5/17)*

RESOLVES:

1. To congratulate the commitment and efforts of the States Parties that met the deadlines for the presentation of the national reports, and to request that the States Parties that have not yet done so to submit promptly the reports covering the two groups of rights; and, in addition, to applaud the work of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador, which to date has concluded the evaluation process of eight States Parties. *(Approved 06/5/17)*

2. To invite member states to consider signing and ratifying, ratifying, or acceding to, as the case may be, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador," and to invite the member states and permanent observers, as well as national or international public or private persons or entities to contribute to the Specific Fund for the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador, as established in Article 74 of the General Standards to Govern the Operations of the General Secretariat and other OAS provisions. *(Approved 06/5/17)*

3. To update the document "Appendix – Composition and Functioning of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador," which was adopted by means of resolution AG/RES. 2262 (XXXVII-O/07), in order to ensure an ordered

process that will guarantee the good functioning 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 the city of Buenos Aires, Argentina, in May 2017, as regards 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 Committee on Juridical and Political Affairs for adoption by the Permanent Council during the second half of 2017. *(Approved 06/5/17)*

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

RECALLING the adoption of the Brasilia Rules for Access to Justice for Vulnerable Persons, by the XIV Ibero-American Judicial Summit in March 2008, that systematize principles and standards in the field of human rights, in order to ensure vulnerable groups have access to justice; and the results of the Twenty-Eighth Ibero-American Judicial Summit, held in April 2016, in Asunción, Paraguay, which contributed to the strengthening of judicial coordination and cooperation as a prerequisite for guaranteeing access to justice for all, especially persons in vulnerable circumstances; and *(Approved 06/5/17)*

TAKING NOTE of the Principles and Guidelines on Public Defense in the Americas, unanimously approved by the Inter-American Juridical Committee in resolution CJI/RES. 226 (LXXXIX-O/16) at the 89<sup>th</sup> Regular Session, held in Rio de Janeiro on October 16, 2016, *(Approved 06/5/17)*

RESOLVES:

1. To encourage states and official public defense institutions in the Americas to pursue, in their day-to-day activities, and within their autonomy, as appropriate, best practices to implement tools, including the Brasilia Rules for Access to Justice for Vulnerable Persons, with a view to working to remove existing barriers to access to justice and enjoyment of their rights. *(Approved 06/5/17)*

2. To encourage states and official public defense 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 measure to guarantee the right to access to justice of all persons, in particular those find themselves in vulnerable situations. *(Approved 06/12/17)*

3. To take note of the Principles and Guidelines on Public Defense in the Americas, unanimously approved by the Juridical Committee through resolution CJI/RES. 226 (LXXXIX-O/16), which systematize and reinforce central concepts of the resolutions on Public Defense adopted by this General Assembly and request to the Department of International to disseminate them broadly. *(Approved 06/12/17)*

4. To encourage states and official public defender institutions in the Americas to ensure effective and equal access to justice for women, without discrimination of any kind. *(Approved 06/12/17)*

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; *(Approved 06/5/17)*

RESOLVES:

1. To express satisfaction with the outcomes of the First Meeting of Ministers and National Authorities of 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. *(Approved 06/5/17)*

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. *(Approved 06/5/17)*

3. To recommend that States consider making the necessary adjustments to ensure full respect for human rights relating to identity, including nationality, name, and family relations, as established in international human rights instruments, including the American Convention on Human Rights, without discrimination of any kind or interference. *(Approved 06/12/17)*

viii. Rights of Persons Deprived of Liberty

RECOGNIZING the commitment of the member states to respect, guarantee, and protect the human rights of persons deprived of liberty established in international instruments and human rights treaties on the subject, and taking into account in reports published by the Inter-American Commission on Human Rights (IACHR) on the human rights of persons deprived of liberty, *(Approved 05/22/17)*

RESOLVES:

1. To urge the member states to continue to comply with their international obligations to respect, guarantee, and protect the human rights of persons deprived of liberty, with a gender perspective sensitive to the varying needs of different groups, paying particular attention to the situation of vulnerable groups and of persons sentenced to death, consistent with the existing domestic legislation. *(Approved 06/12/17)*

2. To urge member states to consider adjusting their regulatory, legal, institutional, and public policy frameworks in such a way as to guarantee that conditions for deprivation of liberty 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 alternatives or substitutes for imprisonment applied in accordance with international instruments

adopted in that regard, 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. *(Approved 06/12/17)*

3. To encourage the member states, the Inter-American Commission on Human Rights (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. *(Approved 06/12/17)*

4. To encourage countries to cooperate with the efforts of the International Committee of the Red Cross (ICRC), within its sphere of competence, to contribute to national and regional initiatives and address the needs of persons deprived of liberty in the various countries in which the ICRC operates. *(Approved 06/12/17)*

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; *(Approved 06/12/17)*

RECOGNIZING that companies have the capacity to contribute to economic wellbeing, development, technological progress, and wealth, together with the responsibility for respecting human rights and promoting gender equality and equity and the economic empowerment of women, among other issues; *(Approved 06/12/17)*

CONSIDERING the importance of continuing progress on the subject 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 *(Approved 06/12/17)*

TAKING NOTE of the reports prepared on this topic by the Inter-American Juridical Committee and the Inter-American Commission on Human Rights, together with the resolutions on the matter adopted by the OAS General Assembly, including resolution AG/RES. 2887 (XLVI-O/16), which requested the Inter-American Commission on Human Rights 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 upon the necessary financial resources being identified, *(Approved 06/12/17)*

RESOLVES:

To renew the request that the Inter-American Commission on Human Rights (IACHR) conduct a study on inter-American standards in relation to 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. *(Approved 06/12/17)*

- 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 states with respect to promoting the rights of persons with disabilities in the Americas, reflected 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), inter alia, 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, *(Approved 06/12/17)*

RESOLVES:

1. To encourage OAS member states that are not Parties to 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 [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 do more to implement the recommendations issued by the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) in its evaluations, for each sphere of activity, of national reports on implementation of CIADDIS-PAD. *(Approved 06/12/17)*

2. To instruct CEDDIS to form a working group comprised jointly of its members and of experts from civil society organization 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-seventh regular session. *(Approved 06/12/17)*

3. To urge the working group to consider, in its updating of the PAD, 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; the sexual and reproductive health of people with disabilities, with priority attention to persons with disabilities at risk and disaster prevention; the right to inclusive and accessible education; and a life free from violence, among other issues, in accordance with the 2030 Agenda for Sustainable Development. *(Approved 06/12/17)*

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 do its utmost to mainstream an inclusion of persons with disabilities perspective, with a rights-based approach. *(Approved 06/12/17)*

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

TAKING NOTE WITH SATISFACTION of the adoption of the “Plan of Action for the Decade of Persons of African Descent in the Americas (2016-2025)” through resolution AG/RES. 2891 (XLVI-O/16); *(Approved 06/5/17)*

BEARING IN MIND that the Inter-American Democratic Charter points out 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 states 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 *(Approved 06/5/17)*

REAFFIRMING the steadfast commitment of member states to address, through a variety of mechanisms, the scourge of racisms, racial discrimination, and intolerance in their societies, as a problem that affects society as a whole and which must be fought in all its individual, structural, and institutional manifestations, *(Approved 06/5/17)*

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 of Persons of African Descent in the Americas (2016-2025). *(Approved 06/5/17)*

2. To urge member states and observers to provide the OAS with the human and financial resources needed to implement the Plan of Action for the Decade of Persons of African Descent in the Americas (2016-2025). *(Approved 06/5/17)*

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 of Persons of African Descent in the Americas (2016-2025). *(Approved 06/5/17)*

xii. Human rights, sexual orientation, gender identity and expression, and [PE: intersex persons][PY, JA ~~intersex traits~~]

*(The delegation of Paraguay proposes that this section not be included. The delegations of Jamaica, Saint Lucia, Suriname, proposes deleting this section.)*

Taking into account that LGBTI persons are subject to various forms of violence and discrimination based on the perception of their sexual orientation, gender identity or gender expression **and intersex traits; recognizing [PY: ~~that many countries still face~~]** [Chair: 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 Inter-American Commission on Human Rights’ Rapporteurship on the matter,

RESOLVES:

1. To condemn all forms of discrimination **and acts of violence** on the basis of sexual orientation, gender identity or expression, **and intersex traits**; to urge member states within the parameters of the legal institutions of their domestic systems to eliminate, where they exist, barriers faced by lesbian, gay, bisexual, trans, and intersex (LGBTI) persons 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, gender identity or expression **and intersex traits**.

2. To urge member states **to adopt and implement effective measures to combat homophobia and transphobia** and to produce data on homophobic and transphobic violence 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; *(The delegation of Jamaica proposes deleting this paragraph)*

3. To **call upon** 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, gender identity or expression, **and intersex traits**.

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 [JA: ~~and taking into account bodily diversity of intersex persons.~~]

5. To request the IACHR and the General Secretariat to continue to pay particular attention to activities related to the protection and promotion of **the human** 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 area**.

xiii. Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights<sup>4/</sup>

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

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4. The Government of Nicaragua considers unacceptable the double standard of the Inter-American Commission on Human Rights in maintaining Chapter IV.B of its Annual Report. The criteria used are subjective, politicized, discriminatory, ...

of human rights outreach and training activities; and the convening of public hearings as an inter-American forum for human rights in the region; *(Approved 06/5/17)*

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; *(Approved 06/5/17)*

REITERATING the importance of all the Organization's member states ratifying or adhering to, as applicable, the inter-American conventions, declarations, and protocols governing human rights, particularly the American Convention on Human Rights; *y (Approved 06/5/17)*

CONSIDERING that compliance with the decisions of the agencies of the inter-American human rights system is an element in ensuring the full effect and observance of human rights in the OAS member states and in contributing to the consolidation of that system's legitimacy, *(Approved 06/5/17)*

RESOLVES:

1. To reaffirm the member states' commitment toward the Inter-American Commission on Human Rights. *(Approved 06/5/17)*

2. To urge the member states that have not yet done so to sign, ratify, or adhere to, as soon as possible and as applicable, all the universal and inter-American human rights instruments, particularly the American Convention on Human Rights. *(Approved 06/5/17)*

3. To reaffirm its commitment to attain full financing of the IACHR through the Regular Fund of the OAS, without prejudice to the financing of the other mandates of the Organization. While that commitment is fulfilled, to invite member states, observer states, and other institutions to continue making voluntary contributions. In this context, to encourage member states to evaluate the possibility to continue to extend invitations to the Commission to make observation and working visits and to hold special meetings in the member states. Also to encourage the IACHR to continue submitting its financial and resources report that is customarily included in its annual report. *(Approved 06/5/17)*

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

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; *(Approved 06/12/17)*

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 *(Approved 06/12/17)*

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, *(Approved 06/12/17)*

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, underscoring the work being carried out by the Inter-American Court related to monitoring compliance with judgments and to urge states to comply in a timely fashion with the judgments rendered by the Court. *(Approved 06/12/17)*

2. To urge member states to continue extending invitations to the Inter-American Court of Human Rights for it to meet away from its headquarters, given that this is an important tool for disseminating the inter-American human rights protection system in the region. *(Approved 06/12/17)*

3. To reaffirm its commitment to attaining full financing of the Inter-American Court of Human Rights 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 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. *(Approved 06/12/17)*

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 of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights being 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, *(Approved 06/12/17)*

CONSIDERING that a gender-balanced composition, and balanced geographic and legal system representation within the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights will result in sound treatment for the prevention, promotion, protection and guarantee of regional human rights issues and problems, with special attention to areas with Inter-American Commission on Human Rights Rapporteurship, among others, *(Approved 06/12/17)*

RESOLVES:

1. To encourage states, in selecting judges of the Inter-American Court of Human Rights and commissioners of the Inter-American Commission on Human Rights, to nominate and elect persons that would ensure a membership that provides balance in terms of gender, 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. *(Approved 06/12/17)*

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 Inter-American Commission on Human Rights 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 the 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. *(Approved 06/12/17)*

Proposal by Bolivia: [3. To instruct the Permanent Council to prepare, through the Committee on Juridical and Political Affairs, supplementary Rules of Procedure for electing the Commissioners on the Inter-American Commission on Human Rights, as well as judges of the Inter-American Court of Human Rights, in keeping with the principles of nondiscrimination, gender equality and equity, geographic representation, and alternation among countries, to be presented to the General Assembly at its forty-eighth regular session.] *(The delegations of Argentina, Brazil Canada, Chile, Colombia, Costa Rica, Mexico, Peru, United States and Uruguay propose deleting this paragraph) (The delegation of Bolivia will submit a new drafting)*

xvi. Financing of the organs of the Inter-American Human Rights system out of the program-budget of the organization for 2018.

*(The delegations of Brazil and Canada proposed deferring the examination of this section until the CAAP has concluded its discussions on the program-budget. 06.1.17)*

#### CONSIDERING:

That at its forty-sixth regular session, through resolution AG/RES. 2887 (XLVI-O/16), the General Assembly of the Organization of American States (OAS) underscored the importance of the Inter-American Court of Human Rights for the effective protection of human rights and recognized the work of the Inter-American Commission on Human Rights (IACHR) in fulfilling its function of promoting the observance and defense of human rights, while reaffirming the commitment to achieve full funding for both organs out of the OAS Regular Fund; *(Approved 06/12/17)*

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; *(Approved 06/12/17)*

That, at its fifty-first special session, the General Assembly reiterated, through the resolution entitled “Program-Budget of the Organization for 2017”, that the member states are committed to continuing to seek ways of achieving full financing of the organs of the inter-American human rights system by the OAS Regular Fund, including assessment of the reallocation of funding derived from the Regular Fund and analysis of various different financing options to ensure the medium- and long-term sustainability of the Commission and the Inter-American Court of Human Rights; *(Approved 06/12/17)*

That likewise the resolution entitled “Program-Budget of the Organization for 2017” instructed the General Secretariat and the Permanent Council to analyze financing arrangements for supporting the organs of the inter-American human rights system when budget issues arise that jeopardize their ability to operate and fulfill their functions, *(Approved 06/12/17)*

RESOLVES:

1. [CA, BR: To request the CAAP to consider options within existing resources and consistent with the OAS Strategic Plan and other financial pressures for increasing ~~To double~~] the amount of Regular Fund resources earmarked for the organs of the inter-American human rights system: Inter-American Commission on Human Rights and Inter-American Court of Human Rights [CA, BR: ~~over a two-year period~~].

2. That [CA, BR: the options to increase the budget allocation for the organs of the inter-American human rights system must be without increasing member states' quotas to the OAS regular budget and 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,] modalities and procedures to be followed to [CA, BR: increase of ~~reach the doubling~~] resources referred in the previous paragraph, [CA, BR: ~~without involving a quota increase,~~] will be included in the resolution on the financing of the Organization and in the OAS program-budget for the years 2018 and 2019.

xvii. Rights of the child

CONSIDERING that the demographic make-up of the region is such that 40% of the population is below the age of 18, and that in subregions like Central America that proportion exceeds 55%; [AGREED UPON]

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

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

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 indigenous and afrodescendent children, and children with disabilities. [AGREED UPON]

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 guaranteeing 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. [AGREED UPON]

3. To provide, to that end, the Inter-American Children's Institute (IIN) with the resources it needs to fulfill its institutional mission and implement the mandates delegated to it by the member states, subject to the Organization's financial resources. [AGREED UPON]

4. To increase by 50% the total Regular Fund resource allocation to the IIN. That the methods and procedure to be followed in making this e 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. **[PENDING]**

xviii. Strengthening the Inter-American Commission of Women (CIM) 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 Organization of American States (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, **[AGREED UPON]**

RESOLVES:

1. To continue supporting the work of the Inter-American Commission of Women (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) The 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) The promotion of women's autonomy and economic empowerment; and (iv) Communication promoting gender equality and human rights. **[AGREED UPON]**

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 Strategic Plan 2016-2021, adopted by the 37<sup>th</sup> Assembly of Delegates of the CIM, particularly in incorporating a gender equality perspective into all activities of the Organization of American States (OAS) and, as a matter of priority, in ministerial meetings, in the OAS General Assembly, and in preparations for and follow-up on Summits of the Americas; **[AGREED UPON, *ad referendum* of Ecuador]**

3. To double the amount of Regular Fund resources allocated to the Inter-American Commission of Women, within two years. The modalities and procedure to be followed to reach a doubling of the resources, without involving any quota increase, will be included in the resolution on the financing of the Organization and in the OAS program-budget for 2018 and 2019. **[PENDING]**

[3. Request the CAAP to consider options within existing resources and consistent with the OAS Strategic Plan and other financial pressures for increasing the budgetary allocation from the OAS regular budget for the CIM. Any options to increase the budget allocation for the CIM must be without increasing Member States quotas to the OAS regular budget and be based on a clear and detailed plan of activities outlining the capacity of the CIM to absorb an increase in financing and to achieve expected results. The level of funding, modalities and procedures to achieve the increase of funding to the CIM will be explained in the resolution on the financing of the Organization and in the OAS program-budget for the years 2018 and 2019.] **[Proposed operative paragraph 3 by Canada, supported by Brazil, Paraguay, and the United States]**

- 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 (Belém do Pará Convention) establishes the duty of the states party to adopt, by every appropriate means and without delay, policies and programs aimed at preventing, punishing, and eradicating discrimination and violence against women and girls in the public and private arenas, mindful that it is important and necessary to strengthen the Mechanism to Follow-Up on that Convention (MESECVI), [**AGREED UPON**]

RESOLVES:

1. To strengthen support for the work of the Follow-up Mechanism for the Convention of Belém do Pará (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, implementing, as appropriate, the recommendations of the Multilateral Evaluation Rounds conducted by the Mechanism; [**AGREED UPON**]

2. To continue to promote, through the Mechanism's follow-up work, implementation of the Belém do Pará Convention, promoting gender equality and women and girls empowerment, taking into account the multiple and cross-cutting forms of discrimination suffered by women and girls from 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. [**AGREED UPON**]

3. To underscore the work done by the MESECVI Committee of Experts for the drafting of the hemispheric report on sexual violence and child pregnancy in the states party to the Belém do Pará Convention. [**AGREED UPON**]

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, complying with, and raising awareness about the Belém do Pará Convention, as decided by the Sixth Conference of States Party to the Mechanism. [**AGREED UPON**]

## 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. (*Approved 06/12/17*)

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: *(Approved 06/12/17)*

- “Autonomous official public defenders as a guarantee of access to justice for vulnerable groups” Hold the sixth special meeting of the OAS Committee on Juridical and Political Affairs on best practices for full implementation of the Brasilia Rules for Access to Justice for Vulnerable Persons, pursued by each public defense institution of the region, in the first quarter of 2018, bringing together member states and their respective official public legal aid institutions, members of the AIDEF, experts from academia, and civil society, as well as international organizations. This organization will ensure that AIDEF members are in attendance. *(Approved 06/12/17)*
- To request that the Permanent Council, through the Committee on Juridical and Political Affairs, 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, including the reports on this topic produced by the Inter-American Juridical Committee and the IACHR, to be attended by national representatives and by experts from academia, civil society, business, and international organizations; and to request the Secretariat for Legal Affairs prepare a report on that meeting for the information of the General Assembly. The meeting will be accommodated within existing resources assigned to the CAJP. *(Approved 06/12/17)*

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. *(Approved 06/12/17)*

## FOOTNOTE

1. ... of the Constitution of the Republic and does not discriminate for any reason regardless of race, creed, sex, etc. It also considers that the lawful nonrecognition of marriage between persons of the same sex is not a discriminatory practice. Therefore, Guatemala dissociates itself from those parts that are incompatible with, or contrary to, its applicable national law, and it reserves the right to interpret the terms of this resolution.

2. ... It is still within the denunciation period established in Article 143 of the OAS Charter.

3. ... 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.