

AG/RES. 2361 (XXXVIII-O/08)

60TH ANNIVERSARY OF THE AMERICAN DECLARATION
OF THE RIGHTS AND DUTIES OF MAN

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

CONSIDERING that the Charter of the Organization of American States proclaims fundamental human rights as one of the principles of the Organization;

RECALLING that the American Declaration of the Rights and Duties of Man was adopted at the Ninth International Conference of American States (Bogotá, 1948);

UNDERSCORING that the 60th anniversary of said Declaration falls in 2008;

BEARING IN MIND that the American Declaration was the first international instrument to enumerate basic human rights and recognized that the international protection of those rights should be the principal guide of an evolving American law; and

AWARE that both the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights have recognized that the American Declaration is a source of international obligations for the OAS member states,

RESOLVES:

1. To reaffirm the importance of the American Declaration of the Rights and Duties of Man as one of the fundamental instruments of the inter-American human rights system.
2. To urge all member states to continue to ensure its effective implementation and to step up activities geared toward its promotion.
3. To invite governments, the General Secretariat, the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights, and the other pertinent organs, agencies, and entities of the Organization of American States, in accordance with their respective mandates, as well as civil society organizations to disseminate the Declaration widely, along with other inter-American and international human rights instruments.
4. To hold a special meeting of the Permanent Council to commemorate the 60th anniversary of the Declaration of the Rights and Duties of Man.
5. To encourage states and civil society organizations to organize national and regional activities in commemoration of the 60th anniversary of the Declaration of the Rights and Duties of Man and to report thereon to the OAS General Secretariat.
6. To invite the OAS General Secretariat to report to the General Assembly at its thirty-ninth regular session on the programs and activities carried out to commemorate the 60th anniversary of the American Declaration of the Rights and Duties of Man.

AG/RES. 2362 (XXXVIII-O/08)

INTER-AMERICAN PROGRAM FOR UNIVERSAL CIVIL REGISTRY
AND THE "RIGHT TO IDENTITY"

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT resolution AG/RES. 2286 (XXXVII-O/07), "Inter-American Program for a Universal Civil Registry and 'the Right to Identity'";

RECOGNIZING the obligations of the States Parties to the Convention on the Rights of the Child to undertake to respect the right of the child to preserve his or her identity ("right to identity");

TAKING INTO ACCOUNT the Memorandum of Understanding between the United Nations Children's Fund, the General Secretariat of the Organization of American States, and the Inter-American Development Bank for Cooperation in the Area of Citizen Registration, signed on August 8, 2006, which notes, *inter alia*, that the General Secretariat is committed to "strengthening governance through the modernization of the state and to the recognition and strengthening of the right to identity through programs and projects to increase access to citizen registration and to build capacity of institutions responsible for registration in Latin America and the Caribbean as the cornerstone of its development activities";

TAKING NOTE of the document prepared by the Executive Secretariat for Integral Development (CP/CAJP-2482/07), of April 16, 2007, entitled "Preliminary Thoughts on Universal Civil Registry and the Right of Identity";

RECALLING the Advisory Opinion of the Inter-American Juridical Committee (CJI) on the scope of the right to identity (CJI/doc.276/07 rev. 1);

BEARING IN MIND the Strategic Plan for Partnership for Development 2006-2009, which calls for "[promoting] policy dialogue to share information and best practices among Member states to assist in developing effective and efficient government policies" and "[enhancing] individual and institutional capacities in the member states to design and implement cooperation programs, projects, and activities and strengthen the capacity of individuals to contribute to the social and economic development of their countries" [AG/RES. 2201 (XXXVI-O/06)];

CONSIDERING that recognition of the identity of persons is one of the means through which observance of the rights to legal personhood, a name, a nationality, civil registration, and family relationships is facilitated, among other rights recognized in international instruments, such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights. The exercise of these rights is essential for participation in a democratic society;

RECOGNIZING the work of the Inter-American Institute of Human Rights (IHR) of promotion and dissemination in the processes of strengthening citizen participation and consolidating democracy in the region, and the contributions it has also made to states and the General Secretariat through its technical advice and assistance;

CONSIDERING that non-recognition of identity can mean that a person has no legal proof of his or her existence, which makes it difficult to exercise fully his or her civil, political, economic, social, and cultural rights;

EMPHASIZING the importance of civil registries as state institutions that can guarantee recognition of the identity of persons and, therefore, the advisability of strengthening them to ensure that their scope is universal, taking into account the rich and varied diversity of cultures;

RECALLING that the Inter-American Democratic Charter establishes that it is the right and responsibility of all citizens to participate in decisions relating to their own development;

COMMITTED to building just, equitable societies based on the principles of social justice and social inclusion;

TAKING NOTE of the First Latin American Regional Conference on Birth Registration and the Right to Identity, held in Asunción, Paraguay, from August 28 to 30, 2007, with indigenous leaders and leaders of African descent participating prominently;

TAKING NOTE ALSO of the Meeting to Receive Inputs on the Draft Inter-American Program for Universal Civil Registry and the "Right to Identity," held at OAS headquarters on December 5, 2007, in which there was broad participation by member states, governmental experts and by representatives of competent organs, agencies, and entities of the inter-American system, multilateral and intergovernmental organizations, and civil society organizations;

TAKING INTO ACCOUNT the Progress Report on the Application of the Memorandum of Understanding among the United Nations Children's Fund and the General Secretariat of the Organization of American States and the Inter-American Development Bank for Cooperation in the Area of Citizen Registration, presented by the General Secretariat at the meeting of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity" held on April 11, 2008 (CAJP/GT/DI-29/08);

VALUING the contributions received from member states, specialized organs and agencies and competent entities of the inter-American system and civil society organizations to the efforts of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity"; and

EXPRESSING ITS SATISFACTION with the report of the Working Group to Prepare an Inter-American Program for Universal Civil Registry and the "Right to Identity" (CAJP/GT/DI-33/08), in which, in compliance with its mandate set forth in resolution AG/RES. 2286 (XXXVII-O/07), it presents a Draft Inter-American Program for Universal Civil Registry and the "Right to Identity,"

RESOLVES:

1. To adopt the Inter-American Program for Universal Civil Registry and the "Right to Identity," which forms part of this resolution.
2. To instruct the General Secretariat, through the Executive Secretariat for Integral Development, to provide to member states that so request necessary assistance in implementing the Inter-American Program for Universal Civil Registry and the "Right to Identity," promoting the improvement and enhancement of their civil registry systems and the adoption of universal civil registration.
3. To urge the member states to continue adopting measures to ensure full recognition of the right to identity, emphasizing that non-recognition of identity can mean that a person has no legal proof of his or her existence, which makes it difficult to exercise fully his or her civil, political, economic, social, and cultural rights.

4. To request the Permanent Council to continue supporting efforts under the Memorandum of Understanding between the United Nations Children's Fund (UNICEF), the General Secretariat of the Organization of American States (GS/OAS), and the Inter-American Development Bank (IDB) for Cooperation in the Area of Citizen Registration.

5. To request the General Secretariat to continue increasing its cooperation with other specialized organizations and agencies of the inter-American system and international organizations on matters of citizen registration.

6. To urge the states that participated in the First Latin American Regional Conference on Birth Registration and the Right to Identity to implement the recommendations that emerged from it that seek to develop and strengthen the capacity of the registered institutions.

7. To instruct the Permanent Council to hold, in the first half of 2010, a special meeting of the Committee on Juridical and Political Affairs to review the status of implementation of the aforementioned Inter-American Program on the basis of information provided by the states and of a progress report prepared by the General Secretariat, with a view to making such changes in the Program as are deemed appropriate, in order to achieve universal civil registration by 2015. That meeting may include contributions from experts in the field, civil society organizations, and organs, agencies, and entities of the inter-American system and international organizations.

8. To instruct the General Secretariat to support the maintenance of the Inter-American Virtual Forum for Universal Civil Registry and the Right to Identity, which is intended to promote discussion, exchange, and promotion of experiences, lessons learned, and dissemination of knowledge on matters of identity and civil registry in the region.

9. To request the Inter-American Children's Institute (IIN) to continue working on the topic "[t]o ensure children's right to identity and citizenship," as set out in its Strategic Plan 2005-2008, as well as on universal birth registration, in accordance with its Action Plan 2007-2011. Likewise, to instruct the IIN to join forces with the General Secretariat to achieve the objectives of the Inter-American Program for Universal Civil Registry and the "Right to Identity," and to keep the Permanent Council informed of progress and obstacles in the region.

10. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources.

DRAFT INTER-AMERICAN PROGRAM FOR
UNIVERSAL CIVIL REGISTRY AND THE "RIGHT TO IDENTITY"

The Inter-American Program for Universal Civil Registry and the Right to Identity is a consolidated effort by the OAS and its member states, in consultation with international organizations and civil society, to promote and achieve in a progressive manner and in accordance with international law, applicable international human rights law, and domestic law, the purposes, objectives, and specific measures set forth below:

PURPOSE

- Ensure that by 2015 birth registration, which is used to ensure the right to identity, with emphasis on persons in poverty and at risk, is universal, accessible, and, if possible, cost-free.
- Identify and promote best practices, criteria, and standards for civil registry systems and their universalization, in order to address the problems and overcome the obstacles that arise in this area, taking the gender perspective into account, as well as to raise awareness of the need effectively to establish the identity of millions of persons, taking into account vulnerable groups and the rich diversity of cultures in the Americas.
- Promote and protect the rights to identity; juridical personality; a name; a nationality; inscription in the civil registry; family relations; and citizen participation as an essential element of decision-making.
- Contribute to building just and equitable societies based on the principles of social justice and social inclusion.

OBJECTIVES

In accordance with the guidelines contained in operative paragraph 4 of resolution AG/RES. 2286 (XXXVII-O/07), "Inter-American Program for Universal Civil Registry and the "Right to Identity", the Program pursues the following objectives:

1. Universalization and accessibility of civil registry and the right to identity
 - a. The member states will strengthen and/or, where applicable, develop national institutions responsible for conducting universal civil registration.
 - b. The member states, with the support of the General Secretariat when such support is requested, will work to ensure that the birth registry, which is used to ensure the right to identity, with emphasis on persons in poverty and at risk, is universal, accessible, and, if possible, cost-free.
 - c. They will also promote a multidimensional approach to this topic, considering its relationship with enjoyment of rights and freedoms, with the modernization and transparency of state institutions, and with citizen participation^{1/} in the democratic societies of the Hemisphere. Moreover, this approach should take into account the rich and varied cultures in the Americas.

^{1/} For the purposes of this Program, citizen participation shall include all social sectors.

2. Strengthening of policies, public institutions, and legislation

- a. The states will develop public and institutional policies and adopt legislative measures to improve civil registry systems, taking into account the contributions of specialized bodies and international organizations.
- b. The states will guarantee the administrative and procedural autonomy of civil registries in order to safeguard their independence.
- c. Through appropriate legislation, the states will guarantee the confidentiality of the personal information gathered by the civil registry systems, applying the principles of personal data protection and the conditions needed to ensure its physical and legal security and to protect against forgery and adulteration.
- d. In accordance with their domestic laws, the states will promote the cost-free use of administrative procedures in connection with registration processes in order to simplify and decentralize them, while leaving recourse to the judicial system as a last resort.
- e. The states will secure an adequate endowment of human and economic resources for their civil registries to enable them to be effective in promoting the accessibility and universality of civil registry and protecting the right to identity of all persons.
- f. The states will ensure that people may consult the information about themselves that the states possess. The state will promote to that end, in an expeditious and simple manner, the use of information and telecommunication technologies.

3. Citizen participation and awareness

- a. The member states, with the support of the General Secretariat when such support is requested, will promote citizen participation and awareness through the universalization of civil registry to protect and demand the effective exercise of and respect for the right to identity, especially with regard to the formulation of public policies and legislative proposals conducive to those ends.

4. Identification of best practices

- a. The General Secretariat, with the support of the member states, will identify the best practices employed to guarantee—with a gender perspective—the different elements that make up the right to identity, paying particular heed to the challenges posed by poverty, social exclusion, multicultural, multilingual, and multiethnic contexts, and, especially, vulnerable groups.

5. International and regional cooperation

- a. The states will foster international and regional cooperation as an effective tool in support of the efforts of member states, trying to ensure that it leads to partnerships among the different players at the national, regional, and international level, with an emphasis on the sharing of and benefiting from successful experiences, including those where social programs have been implemented to guarantee the right to identity, by issuing the corresponding public identity documents.

- b. The states will, to the extent possible, consider factors aimed at harmonizing laws in force in the various member states in the area of the identity of persons.
- c. The states will foster uniformity in registry systems, so as to obtain instruments that will enable their use in the various member states.

6. Follow-up on implementation of the Program

- a. The Permanent Council, with the technical support of the General Secretariat, will follow-up on the commitments and implementation of this Program.

SPECIFIC MEASURES

1. Universalization and accessibility of civil registry and the right to identity

- a. The states will guarantee access, without discrimination, by all persons to registries.
- b. The states, with the support of the General Secretariat when such support is requested, will secure the implementation of modern mechanisms for facilitating access to civil registry. To that end, they will promote, *inter alia*, the establishment of mobile offices, the use of technology, the coverage of civil registry offices within their territory and their on-line connectivity, the issuance of registry certificates through teller machines, joint field trips, and auxiliary registrars.
- c. The states will ensure registration of the births of all those born in their territory, regardless of the migration status of the child's parents, in accordance with their domestic law.

2. Strengthening of policies, public institutions, and legislation

- a. The states will establish and carry out policies, rules and other measures aimed at eliminating practices of racism, discrimination, and intolerance in their civil registry systems.
- b. The General Secretariat will provide technical assistance to governments that so request in the modernization of their identity registries; in national plans to restore identity, and in the updating of vital statistics.
- c. The states will, where applicable, pay special attention to zones affected by conflicts and/or natural disasters, in which civil registries have been destroyed, implementing special procedures for the recovery of the information.
- d. The states will promote the enforcement throughout their territory of applicable legal instruments related to civil registry, including, as appropriate, those at the national level, and international conventions, agreements, and treaties on the subject.
- e. The states will strive to include in their regulatory systems, where applicable, a cost-free service for correcting mistakes in registry certificates that affect the identity of persons.
- f. The General Secretariat will prepare draft model legislation covering the technical, administrative, financial, and logistical aspects needed to ensure implementation of the Program, taking into account the diversity of cultures, languages, ethnic groups,

and legal systems in the region and ensuring full respect of the confidentiality and the authenticity of personal information. Member states will evaluate, as the case may be, the possibility of adopting such draft model legislation.

- g. The states may request the cooperation of the General Secretariat in support of their efforts to identify, systematize, and standardize the basic criteria and standards needed to ensure that national civil registry systems can function properly and guarantee universal coverage.
- h. The states will protect the information in their civil registries by using highly reliable electronic security systems.
- i. The states will promote the simplification of civil registry administrative processes and their standardization at the national level.
- j. The states will strive to adopt all measures aimed at consolidating respect for the linguistic diversity of the region and indigenous names.
- k. The states will register all girls and boys immediately after birth and will promote late registration of adults in accordance with their domestic legislation and any obligations they have incurred by virtue of pertinent international instruments. To that end, with the support of the General Secretariat and specialized agencies of the inter-American system when such support is requested, the states will strive to acquire the required technological equipment and software.
- l. The states, with the support of the General Secretariat when such support is requested, will promote the design and execution of massive civil registry campaigns that include all relevant measures to guarantee access to registration and the actual registration of boys and girls, adolescents, and adults.
- m. Likewise, the states will promote late registration of those adults who have not been registered, thereby attempting to ensure that registration of the parents helps to ensure effective registration of their children.
- n. The states will foster the establishment of administrative procedures for processes involving the correction of certificates and late registry, and others, with a view to ensuring the accessibility and universality of civil registry.
- o. The states will strengthen their consulates to facilitate the issuance of registry certificates and identity documents for their nationals living abroad.
- p. The states will promote the universalization of birth registration as a means of preventing and combating statelessness and, where applicable, they will promote the reforms needed in accordance with the respective provisions of international law.

3. Citizen participation and awareness

- a. The states will promote the development of ongoing sensitization and awareness-raising plans targeting officials and civil servants in all branches of the state, and all sectors of society, emphasizing promotion and protection of the rights to legal personhood, a name, a nationality, and civil registration, and promote the elimination of stereotypes and discrimination.

- b. The states will foster and support the implementation of awareness programs and/or campaigns for the population directed especially at the segments of the population living in poverty, indigenous peoples, and other vulnerable groups, on the importance and necessity of properly registering the newly born, and the population in general, and on the repercussions of improper registration for the enjoyment of other rights. Those campaigns will be directed with particular emphasis on mothers, fathers, guardians, or legal representatives.
 - c. The states will encourage cooperation among the authorities of States and civil society organizations, as appropriate and in accordance with domestic laws, in order to foster the co-responsibility of both citizens and States for solving the problem of underregistration in the establishment of stable and effective networks.
 - d. The General Secretariat, together with the states, will promote the participation of civil society organizations in the execution of the Program, in accordance with the Guidelines for Civil Society Participation in OAS Activities.
 - e. The states will promote civil society participation in execution of the Program.
 - f. The states will foster and develop instructional campaigns to make parents and guardians aware of and sensitive to the importance of civil registry of minors with issuance of the corresponding public identity document.
 - g. The states will promote periodic training sessions for school teachers aimed at fostering a culture conducive to the protection and effective exercise of the right to identity among students and parents.
 - h. The states will take advantage of services and programs provided by the State to verify that all children accessing them have their civil registry IDs. If they do not, parents and guardians should be helped with the process of applying for and obtaining them.
 - i. The states will work with indigenous communities and any other under-registered ethnic group, to raise awareness on and sensitivity to the importance of the need to register their members and obtain the corresponding public identity document, while fully respecting their forms of organization and their authorities
4. Identification of best practices
- a. The General Secretariat will draw up a catalogue of best practices, criteria, and standards with respect to civil registry, taking into account the specific needs of the member states, in order to identify technical and practical factors – such as use of technology, customer service quality, performance indicators, information management, and national civil registry plans, to name but a few – that might be used by the countries in the region to ensure universalization of civil registry, bearing in mind each country’s cultural, linguistic, and ethnic diversity and the region’s already existing legal systems.
5. International and regional cooperation
- a. The states will foster international and regional cooperation and the sharing of experiences, information, and human resources with a view to drawing upon the successful experiences of countries that have implemented social programs to

guarantee the right to identity of their population by issuing the appropriate government identification documents.

- b. The General Secretariat will promote and support the exchange of experiences and the integration of common fields, which will make it possible, when the states so agree, to share information among the parties and to draw up programs and projects for strengthening the institutions in charge.
- c. The states, with the support of the General Secretariat and the specialized agencies of the inter-American system when such support is requested may, in implementing the Program, take into account the national plans drawn up at the First Latin American Regional Conference on Birth Registration and the Right to Identity (Paraguay, August 28-30, 2007).
- d. The General Secretariat will continue working in coordination with the Inter-American Development Bank (IDB) and the United Nations Children's Fund (UNICEF) so that they can report on the problems of underregistration and promotion of the right to identity in the region and on the impact that the Inter-American Program for Universal Civil Registry and the Right to Identity might have on the improvement of registry systems.
- e. The General Secretariat will work in coordination with the Inter-American Children's Institute (IIN) and will support its work on universal birth registration and the right to identity.
- f. The General Secretariat will strengthen ties and foster partnership for development and coordination activities with other regional and international bodies and civil society organizations working in the Americas, with a view to ensuring effective policy and optimal management of resources for proper implementation of the Program.

6. Follow-up on implementation of the Program

- a. The General Secretariat will provide the assistance required by member states that request it in order to improve and develop their civil registry systems and to achieve implementation of the Program.
- b. Hold a special meeting in the CAJP framework in 2010 to assess progress with implementation of the Program, based on the information provided by the states and a progress report by the General Secretariat, with a view to making any changes to the Program that are deemed appropriate in order to reach the goal of achieving universal civil registry by 2015. That meeting may benefit from the contributions of experts in this field, civil society organizations, and the organs, agencies, and entities of the inter-American and global systems.
- c. Strengthen the General Secretariat by endowing it appropriately with the human and financial resources needed to execute the Program in accordance with the availability of said resources and the Organization's internal rules and procedures.

STRATEGIES

1. The states will promote implementation of the Inter-American Program through their policies and, if considered necessary, in their legislation, and by furnishing the resources needed to execute and monitor it.
2. The states will promote the evaluation and, where applicable, updating and improvement of their legal systems and institutional and organizational structures, in accordance with international human rights instruments and taking into account the best practices, technical tools, and experiences of other member states.
3. The states will further promote the establishment of effective international and intergovernmental cooperation mechanisms, in order to improve their laws and policies, including—to the extent possible—their harmonization, and to share information regarding the Program's objectives.
4. The states will promote citizen participation and that of social organizations in the process of preparing and implementing public policies for combating underregistration and protecting universal access to civil registry and the right to identity.
5. The states, taking into account the existence of particularly vulnerable segments of the population who are adversely affected by underregistration and the lack of identity documents, will promote the design and implementation of policies aimed at overcoming this situation, and will foster social and institutional awareness campaigns and initiatives to address this issue, in addition to building these goals into all public policies on health, education, culture, and so on.

AG/RES. 2364 (XXXVIII-O/08)

PROMOTION OF THE INTERNATIONAL CRIMINAL COURT^{2/}

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1619 (XXIX-O/99), AG/RES. 1706 (XXX-O/00), AG/RES. 1709 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1900 (XXXII-O/02), AG/RES. 1929 (XXXIII-O/03), AG/RES. 2039 (XXXIV-O/04), AG/RES. 2072 (XXXV-O/05), and AG/RES. 2176 (XXXVI-O/06), and AG/RES. 2279 (XXXVII-O/07);

RECALLING ALSO the recommendation of the Inter-American Commission on Human Rights (OEA/Ser.L/V/II.102, Doc. 6 rev., April 16, 1999, Chapter VII, 21.3.B), as well as its resolution No. 1/03, on the prosecution of international crimes, and the document "Framework for OAS Action on the International Criminal Court" (AG/INF.248/00);

RECOGNIZING that the adoption of the Rome Statute of the International Criminal Court was a milestone in efforts to combat impunity, and that it and the Court are fundamental components of the international criminal justice system and that they constitute effective instruments for consolidating international criminal law and international justice and peace;

NOTING WITH CONCERN the continuation in some parts of the world of persistent violations of international humanitarian law and of international human rights law; and reaffirming that all states have the primary duty to investigate, prosecute, and punish those violations so as to prevent their recurrence and avoid the impunity of the perpetrators of those crimes, by taking measures whether at the national or the international level, including, as appropriate, referral to the International Criminal Court;

CONVINCED of the importance of preserving the effectiveness and legal integrity of the Rome Statute, including the jurisdiction of the International Criminal Court; and recognizing the essential role of the Vienna Convention on the Law of Treaties and the firm resolve of the states parties to preserve them;

WELCOMING the 10th anniversary of the adoption of the Rome Statute of the International Criminal Court on July 17, 1998, and its entry into force on July 1, 2002, the date on which the Court became the international judicial body complementing the efforts of national jurisdictions to prosecute the perpetrators of the most serious international crimes, such as genocide, crimes against humanity, and war crimes;

MINDFUL of the importance of effective cooperation from the states, the United Nations, including the Security Council, and from other international and regional organizations, and of support from civil society, to the effective functioning of the International Criminal Court;

^{2.} Reservation by the United States: The United States has long been concerned about the persistent violations of international humanitarian law and international human rights law throughout the world. The United States will continue to be a forceful advocate for the principle of accountability for war crimes, genocide, and crimes against humanity, but cannot support the flawed International Criminal Court (ICC). Thus, the United States has not ratified the Rome Statute and has no intention of doing so. In light of this position, the United States cannot join in the consensus on an OAS resolution that promotes the Court, nor support the use of the OAS regular budget to fund cooperation and any other support rendered to the ICC, including under any OAS-ICC cooperation agreement. The United States understands that any such support will result only from specific fund contributions.

NOTING in this respect that Article 87.6 of the Rome Statute recognizes the role intergovernmental organizations can play in providing cooperation to the Court and that, in its resolution ICC-ASP/6/Res. 2, contained in ICC publication ICC-ASP/6/20, the Assembly of States Parties, at its sixth session, renewed its invitation to other relevant organizations to consider concluding such agreements with the Court;

WELCOMING that 106 states have now ratified or acceded to the Rome Statute, among them 23 members of the Organization of American States;

NOTING WITH GRATIFICATION:

The work done by Costa Rica as President of the Assembly of States Parties to the Rome Statute of the International Criminal Court and the participation by Belize, Bolivia, and Peru as members of the Bureau of said Assembly of States Parties in the 2005-2008 term; and

That 12 member states of the Organization have ratified or acceded to the Agreement on Privileges and Immunities of the International Criminal Court, the most recent among them being Mexico in 2007 and Honduras in 2008; and that others are in the process of doing so;

NOTING the outcome of the sixth session of the Assembly of States Parties to the Rome Statute, held from November 30 to December 14, 2007, especially resolution ICC-ASP/6/Res. 2, "Strengthening the International Criminal Court and the Assembly of States Parties";

NOTING ALSO the results of the Hemispheric Seminar "Toward the First Review Conference of the Rome Statute of the International Criminal Court," held in Mexico City in August 2007, and of the meeting of legislators of the Central American region, Dominican Republic, Mexico, and Panama on incorporation of war crimes in international criminal law, held in San José, Costa Rica, on June 7 and 8, 2007;

RECOGNIZING the important work of the Coalition for the International Criminal Court with member states in promoting and defending the Rome Statute;

EXPRESSING ITS SATISFACTION with the progress made by the International Criminal Court in developing into a fully operational judicial body, and with the forthcoming beginning of its first trial and with the detention and surrender of the alleged perpetrators of crimes under its jurisdiction, which mark the beginning of a new phase for the Court;

CONVINCED of the importance of continuing to address problems identified in implementing fully United Nations Security Council resolution S/RES/1593, of March 31, 2005, and the need to step up, to that end, international assistance and cooperation with the International Criminal Court and the Office of the Prosecutor in efforts to combat impunity;

EXPRESSING ITS SATISFACTION with the holding, at the Organization's headquarters, on January 28, 2008, of the Working Meeting on the International Criminal Court, within the framework of the Committee on Juridical and Political Affairs and with support from the Office of International Law, in which representatives of the International Criminal Court, international organizations, and civil society organizations participated; and taking note of the results of that meeting, contained in the Rapporteur's report (CP/CAJP-2569/08);

RECOGNIZING the results of the informal meeting to address the mandate of the Inter-American Juridical Committee to prepare a model law on cooperation between states and the International Criminal Court, held at OAS headquarters on January 28, 2008;

TAKING INTO ACCOUNT the report of the Inter-American Juridical Committee presented pursuant to resolution AG/RES. 2279 (XXXVII-O/07), contained in document CP/doc.4260/08, as well as resolution CJI/RES. 140 (LXXII-O/08), "Promotion of the International Criminal Court"; and

TAKING NOTE of the Annual Report of the Permanent Council to the General Assembly (AG/doc....),

RESOLVES:

1. To renew its appeal to those member states of the Organization that have not already done so to consider ratifying or acceding to, as the case may be, the 1998 Rome Statute of the International Criminal Court and to cooperate in promoting universal accession thereto.

2. To urge member states of the Organization that are parties or signatories to the Rome Statute to promote and respect its intent and its purpose, in order to preserve its effectiveness and integrity and bring about its universal adoption.

3. To remind the member states of the Organization that are parties to the Rome Statute that it is important to continue to take measures with a view to its full and effective implementation, including those necessary to adapt or amend their domestic law, as necessary, and the adjustments necessary to define war crimes in accordance with definitions contained in applicable instruments of international humanitarian law, especially the Additional Protocol to the Geneva Conventions (Protocol 1), or of international human rights law.

4. To urge the member states of the Organization to cooperate to the greatest extent possible among themselves and, as appropriate, with the International Criminal Court, so as to avoid the impunity of the perpetrators of the most serious international crimes, such as war crimes, crimes against humanity, and genocide, ensuring that their national legislation facilitates said cooperation, and applies to crimes within the jurisdiction of the International Criminal Court and establishes their imprescriptibility.

5. To urge the member states of the Organization to consider ratifying or acceding to, as the case may be, the Agreement on Privileges and Immunities of the International Criminal Court and, in the case of those states that are already party to that Agreement, to take the necessary measures for its full and effective implementation at the national level.

6. To encourage states to contribute to the trust fund established by the Assembly of States Parties to the Rome Statute for the benefit of victims of crimes within the jurisdiction of the International Criminal Court, and of the families of such victims, as well as to the fund for the participation of least developed countries.

7. To invite member states to participate actively in the work of the Assembly of States Parties, as states parties or observers, where appropriate, with the purpose, among others, of stepping up discussions on the review conference planned for 2010 and ensuring the integrity of the Rome Statute.

8. To request the Inter-American Juridical Committee, on the basis of its proposal to prepare a model law on cooperation between states and the International Criminal Court, to promote, insofar as it is able and with support from civil society, the adoption of said law in states that do not yet have a law in the area, and, with collaboration from the General Secretariat and the Secretariat for Legal Affairs, to provide support for and promote in member states the training of

administrative and judicial officials and academics for that purpose, and to report on progress thereon to the General Assembly at its fortieth regular session.

9. To request the General Secretariat to continue its efforts toward the conclusion of a cooperation agreement with the International Criminal Court and to keep the member states informed of progress in negotiations with the International Criminal Court or any of its organs in that regard.

10. To request the Permanent Council to hold a working meeting, with support from the Department of International Law, on appropriate measures that states should take to cooperate with the International Criminal Court, which should include a high-level dialogue among member states. The International Criminal Court, international organizations, and nongovernmental organizations will be invited to cooperate and participate in this working meeting.

11. To request the Permanent Council to include the topic of the implementation of the Rome Statute and of the Agreement on Privileges and Immunities on the agenda of the Committee on Juridical and Political Affairs.

12. To request the Secretary General, to promote, at the headquarters of the Organization of American States and with the sponsorship of interested member states and other interested entities or organizations, activities to commemorate the 10th anniversary of the adoption of the Rome Statute of the International Criminal Court.

13. To request the Secretary General to report to the General Assembly at its thirty-ninth regular session on the implementation of the mandates contained in this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2365 (XXXVIII-O/08)

PROGRAM OF ACTION FOR THE DECADE OF THE AMERICAS FOR
THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES (2006-2016)
AND SUPPORT FOR ITS TECHNICAL SECRETARIAT (SEDISCAP)

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT that, in the Plan of Action of the Fourth Summit of the Americas (Mar del Plata, Argentina, 2005), the Heads of State and Government instructed the Organization of American States (OAS) to “consider at the next OAS period of regular sessions of the General Assembly to be held in the Dominican Republic, a Declaration on the Decade of the Americas for Persons with Disabilities (2006–2016), together with a program of action”;

RECALLING its resolutions AG/RES. 1249 (XXIII-O/93) and AG/RES. 1356 (XXV-O/95), “Situation of Persons with Disabilities in the American Hemisphere”; AG/RES. 1369 (XXVI-O/96), “Panama Commitment to Persons with Disabilities in the American Hemisphere”; AG/RES. 2230 (XXXVI-O/06), and AG/RES. 2339 (XXXVII-O/07), which adopted the “Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006–2016)”;

BEARING IN MIND:

The Declaration on the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016), adopted in Santo Domingo, Dominican Republic, with the theme “Equality, Dignity, and Participation” [AG/DEC. 50 (XXXVI-O/06)], the objectives of which are the recognition and full exercise of the rights and dignity of persons with disabilities and their right to participate fully in economic, social, cultural, and political life and in the development of their societies, without discrimination and on an equal basis with others; and

The need, during the aforementioned Decade, to undertake programs, plans, and measures to bring about the inclusion of and full participation by persons with disabilities in all aspects of society; to carry out social, political, economic, cultural, and development programs that afford such persons opportunities; to promote effective measures to prevent new disabilities; and to provide persons with disabilities with access to rehabilitation services and programs, on an equal basis with others;

CONSIDERING:

That the Program of Action assigns the coordination of its execution to a technical secretariat, hereinafter referred to as SEDISCAP, the purpose of which will be to provide support to member states, persons with disabilities and their organizations, and OAS bodies, to follow up on the commitments set forth therein and the planning of activities in pursuit of its specific aims and measures; and

Resolution CP/RES. 926 (1625/08), “Installation in Panama of the Technical Secretariat for the Implementation of the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016)”;

CONVINCED that successful enactment and implementation of the Program of Action for the Decade depends on member states’ honoring their commitments and on support from multilateral

cooperation agencies, civil society organizations, especially those specialized in this area, and the private sector,

RESOLVES:

1. To thank the Government of the Republic of Panama for its steadfast and effective support for the Program of Action and for the installation in Panama City, Republic of Panama, of the Technical Secretariat for the Implementation of the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016) and for the adoption by the Permanent Council of document CP/CAJP-2538/07 rev. 3, which defines the structure, legal status, and funding of the Technical Secretariat.

2. To declare the importance of contributing to the Specific Voluntary Contributions Fund established by the Permanent Council, the purpose of which is to support SEDISCAP operations.

3. To thank the General Secretariat for its support to enable said Technical Secretariat to start operating.

4. To request the Secretary General, taking account of the legal and financial status of the SEDISCAP, to provide the Permanent Council, at the end of SEDISCAP's first year of effective operation, with a report on its operations, budget outturn, adjusted budgets and budget projections, and on firm funding commitments for subsequent years.

5. To instruct the Permanent Council to follow up on this resolution, which will be implemented, where it pertains to SEDISCAP, with resources of the Specific Voluntary Contributions Fund established for that purpose and, where it pertains to the responsibilities assigned in this area to the Secretariat for Legal Affairs, within the resources allocated in the program-budget of the Organization and other resources. In addition, to present a report on its implementation to the General Assembly at its thirty-ninth regular session.

AG/RES. 2366 (XXXVIII-O/08)

SUPPORT FOR THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

BEARING IN MIND:

The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted in Guatemala on June 7, 1999, which entered into force on September 14, 2001, and has been ratified by 17 member states; and

Resolution AG/RES. 2263 (XXXVII-O/07), on "Support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities";

HAVING SEEN the report on the first meeting of the Committee, held on February 28 and March 1, 2007, in Panama City, Republic of Panama (CEDDIS/doc.28/07 corr. 1); and

CONSIDERING that the states parties to the Convention have submitted their comments on the national reports, which would make it possible to hold the second meeting of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities in the second half of 2008,

RESOLVES:

1. To express its satisfaction with the progress made in the work of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities; and to encourage it to convene its second meeting during the second half of 2008 to facilitate preparation of the report on the progressive implementation of the Convention, especially Article VI thereof and Article 20 of the Committee's Rules of Procedure, which, in turn, would make it possible to remit that report to the General Assembly for its information at its next regular session.

2. To reiterate the importance of contributing to the specific fund of voluntary contributions, entitled "Specific Fund for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities," in order to supplement financing for the activities of the Committee and its Technical Secretariat and to allow for the participation of representatives appointed by those states parties that, owing to special circumstances, cannot finance such participation.

3. To request the Secretary General to continue, through the Department of International Law, which is the Technical Secretariat of the Committee, supporting the tasks assigned to the Committee.

4. To instruct the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2367 (XXXVIII-O/08)

DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM
AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly;

REAFFIRMING the content of its resolution AG/RES. 2276 (XXXVII-O/07), "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance," and all prior resolutions on the subject: AG/RES. 1712 (XXX-O/00) and AG/RES. 1774 (XXXI-O/01), both entitled "Preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance"; AG/RES. 1905 (XXXII-O/02), "Prevention of Racism and All Forms of Discrimination and Intolerance and Consideration of the preparation of an Inter-American Draft Convention"; AG/RES. 1930 (XXXIII-O/03), AG/RES. 2038 (XXXIV-O/04), and AG/RES. 2126 (XXXV-O/05); and

HAVING SEEN document CAJP/GT/RDI-57/07 rev. 7 corr. 1, "Consolidated Document: [Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance],"

RESOLVES:

1. To take note of the progress achieved by the Working Group to Prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance.
2. To instruct the Working Group to continue negotiations on that draft Convention, taking into account the progress set forth in document CAJP/GT/RDI-57/07 rev. 7 corr. 1, "Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance," and in keeping with the work plan and working procedure to be adopted by the Group as it begins its activities.
3. To request that the Working Group continue promoting contributions from member states; organs, agencies, and entities of the Organization of American States; the United Nations; and regional organizations; and to urge those bodies to continue sending their written contributions to the Working Group for consideration; and, bearing in mind the Guidelines for Participation by Civil Society Organizations in OAS Activities, contained in Permanent Council resolution CP/RES. 759 (1217/99), dated December 15, 1999, that it also continue to receive contributions from vulnerable groups and from interested civil society organizations.
4. To request the Working Group to hold a one-day meeting at OAS headquarters, prior to the close of 2008, to receive contributions and inputs on the negotiation process of the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, for the purpose of furthering and strengthening the negotiation process of the draft Convention and facilitating the participation of government experts. The purpose of that meeting is to ensure that the contributions of the participants and experts guide and feed the negotiation process through technical analysis of specific points previously identified in the Working Group.

5. To renew the mandates to the Justice Studies Center of the Americas (JSCA) and the Inter-American Commission on Human Rights (IACHR), as set forth in paragraphs 5, 7, and 8 of its resolution AG/RES. 2168 (XXXVI-O/06).

6. To request the General Secretariat to continue to provide support, through the Executive Secretariat of the IACHR and the Department of International Law of the Secretariat for Legal Affairs, to the Working Group's activities.

7. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources.

AG/RES. 2368 (XXXVIII-O/08)

DRAFT AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1022 (XIX-O/89), AG/RES. 1479 (XXVII-O/97), AG/RES. 1549 (XXVIII-O/98), AG/RES. 1610 (XXIX-O/99), AG/RES. 1708 (XXX-O/00); AG/RES. 1780 (XXXI-O/01), AG/RES. 1851 (XXXII-O/02), AG/RES. 1919 (XXXIII-O/03); AG/RES. 2029 (XXXIV-O/04), AG/RES. 2073 (XXXV-O/05), AG/RES. 2234 (XXXVI-O/06), and AG/RES. 2294 (XXXVII-O/07); and

HAVING SEEN the report of the Chair of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples on the activities carried out in 2007 and 2008 (GT/DADIN/doc.xx/08), as well as document GT/DADIN/doc.324/08 rev. 1 of the Meeting of Reflection, held from November 26 to 28, 2007, on the Meetings of Negotiations in the Quest for Points of Consensus, and the report of the Eleventh Meeting of Negotiations in the Quest for Points of Consensus (GT/DADIN/doc.xx/08), held from April 14 to 18, 2008,

RESOLVES:

1. To reaffirm that the adoption of the American Declaration on the Rights of Indigenous Peoples remains a priority for the Organization of American States (OAS), emphasizing the importance of full and effective participation by the indigenous peoples in preparing the draft Declaration.

2. To renew the mandate of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples to continue holding its meetings of negotiations in the quest for points of consensus, so as to complete the drafting of the Declaration, on the basis of the "Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples" (GT/DADIN/doc.334/08) and taking into consideration the "Compendium of Proposals of Negotiations in the Quest for Points of Consensus Held by the Working Group" (GT/DADIN/doc.255/06 add. 2 rev. 2), as well as the report on the Meeting of Reflection (GT/DADIN/doc.324/08 rev. 1), and other pertinent documents of the Working Group.

3. To request the Permanent Council to instruct the Working Group to:

- a. Hold, between September 2008 and March 2009, up to three meetings, each of up to five days, one of them a special meeting for evaluation and strengthening of the negotiation process and to propose specific actions for addressing the issues, and the two others Meetings of Negotiations in the Quest for Points of Consensus for negotiation of the document "Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples." At least one of the three meetings is to be held at the headquarters of the Organization;
- b. Ensure that the Chair of the Working Group engages in informal consultations with those involved in the process and presents the conclusions thereof in a document for the special meeting for presentation to the Working Group for its consideration;

- c. Take the appropriate measures to ensure effective participation by representatives of indigenous peoples; and
- d. Seek consensual solutions that address the needs of the indigenous peoples and the specific characteristics of the region.

4. To request the Selection Board of the Specific Fund to continue to work according to the principle of transparency established in resolution CP/RES. 873 (1459/04), "Amendments to the Specific Fund to Support the Preparation of the American Declaration on the Rights of Indigenous Peoples."

5. To request the General Secretariat and the organs, agencies, and entities of the Organization to lend their valuable support to the process of drafting the American Declaration on the Rights of Indigenous Peoples; and to thank them for their ongoing contribution to that process.

To request the Permanent Council to report to General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2369 (XXXVIII-O/08)

MEETING OF MINISTERS OF JUSTICE OR OTHER MINISTERS,
ATTORNEYS OR PROSECUTORS GENERAL OF THE AMERICAS (REMJA)

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (_____), in particular as it pertains to the implementation of resolution AG/RES. 2266 (XXXVII-O/07), "Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas";

RECALLING that, in the Summits of the Americas, the Heads of State and Government have supported the work done in the context of the (REMJAs) and the implementation of their conclusions and recommendations;

BEARING IN MIND that in the Declaration on Security in the Americas the states of the Hemisphere reaffirmed "that the Meetings of Ministers of Justice or Ministers or Attorneys General of the Americas (REMJA) and other meetings of criminal justice authorities are important and effective fora for promoting and strengthening mutual understanding, confidence, dialogue, and cooperation in developing criminal justice policies and responses to address new threats to security";

TAKING INTO ACCOUNT that, in resolution AG/RES. 2266 (XXXVII-O/07), the General Assembly decided to convene REMJA-VII, which was held in the United States of America from April 28 to 30, 2008; and

TAKING INTO ACCOUNT ALSO the contributions made at the Third Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition, held in Bogotá, Colombia, in September 2007; the Fifth Meeting of the Group of Governmental Experts on Cyber-crime, held in Washington, D.C., United States, in November 2007; and the Technical Meeting to prepare a comprehensive draft document on the REMJA process, held in Washington, D.C., United States, in March 2008,

RESOLVES:

1. To express its satisfaction with the results of the Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VII), held in Washington, D.C., United States, from April 28 to 30, 2008, and of the technical meetings that preceded it, in the framework of the REMJA process, and to emphasize the adoption at said meeting of the Document of Washington, which institutionalizes said process, formally establishing the organization and operation of the REMJA.

2. To thank the Government of the United States for its successful organization of the aforementioned ministerial meeting.

3. To endorse the "Conclusions and Recommendations of the Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas," which are appended to this resolution and form an integral part thereof.

4. To express appreciation for and accept the offer of Brazil to host REMJA-VIII, which is to be held in 2010.

5. To express appreciation for and accept the offer of Chile to host the Second Meeting of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States, which is to be held from August 27 to 29, 2008, in Valdivia.

6. To instruct the Permanent Council to duly follow up on the conclusions and recommendations of REMJA-VII and, pursuant thereto, to convene the following meetings, which will be carried out within the resources allocated in the program-budget of the Organization and other resources, taking into account progress already made with the preparations therefor:

- a. Meeting of Specialists in Forensic Investigation;
- b. Sixth Meeting of the Group of Governmental Experts on Cyber-crime;
- c. Second Meeting of National Authorities on Trafficking in Persons;
- d. Fourth Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition, to be held in El Salvador, in 2009.

7. To instruct the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2370 (XXXVIII-O/08)

FUTURE OF THE INTER-AMERICAN INDIAN INSTITUTE

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING its resolutions AG/RES. 1718 (XXX-O/00) "Reform of the Inter-American Indian Institute", AG/RES. 1933 (XXXIII-O/03), AG/RES. 2046 (XXXIV-O/04) "Support for the Restructuring of the Inter-American Indian Institute" and AG/RES. 2131 (XXXV-O/05) "Situation of the Inter-American Indian Institute" and AG/RES. 2284 (XXXVII-O/07) "Situation of the Inter-American Indian Institute";

RECOGNIZING that the Inter-American Indian Institute (III) was established in 1940, with the signing of the First International Convention of Pátzcuaro, for the main purpose of fostering collaboration in the coordination of indigenous policies of the member states; of requesting, compiling, organizing, and distributing scientific research, legislation, historical archives and other documents related to the indigenous peoples of the Americas; and of carrying out publication and dissemination activities to bring about an increased awareness of indigenous peoples;

RECOGNIZING ALSO that in 1953, the Institute became an inter-American specialized organization of the OAS, whose status was the subject of the Agreement between the Organization and the Institute dated October 28, 1985;

RECOGNIZING the important historical contribution of the Inter-American Indian Institute as an institution that promotes indigenous policies in member states and fosters research projects and training programs for individuals dedicated to the development of indigenous communities, and that it contributed to the development of national authorities tasked with addressing the needs of indigenous peoples in the member states;

CONFIRMING the valuable bibliographic, historical, newspaper and visual archives of the III and the essential need to salvage them and give them wider dissemination;

CONCERNED over the difficult financial situation that the III has endured for a considerable period of time, which significantly hampers its capacity to carry out the plans and achieve the objectives that led to its establishment;

RECOGNIZING that the member states have determined that the analysis of the future of the Institute cannot be postponed; and

BEARING IN MIND the need to continue reaffirming and broadening the commitment of states to promote the integral development of indigenous peoples,

RESOLVES:

1. To recognize the important historical contribution made by the Inter-American Indian Institute (III) as a promoter in the formulation of national and international policies to recognize, renew appreciation for, and give consideration to the indigenous peoples in the Americas, as well as the value of its historical and documentary heritage.

2. To acknowledge that the Inter-American Indian Institute, at the time, in encouraging a closer relationship of state agencies and academia with the cultural, economic, and social reality

of indigenous peoples, helped motivate the direct participation of those peoples in the formulation, implementation, and evaluation of the policies directed towards their full development.

3. To make the following recommendations on the future of the Inter-American Indian Institute:

- a. Acknowledging the financial difficulties faced by the Inter-American Indian Institute, it is recommended that the Executive Committee of the Inter-American Indian Institute evaluate whether it is appropriate to close the institute taking into consideration the following:
 - (i) Denunciation of the Pátzcuaro Convention by all states still party to that international instrument, or
 - (ii) Decision of the Executive Committee of the III with regard to deciding the closing of the III.
- b. That, in the event that a decision is made to close the III, the costs thereof will have to be addressed.
- c. That the necessary measures be taken to salvage, maintain, and disseminate the historical, bibliographical, newspaper and visual archives of the III in order to achieve their widest access so that they may contribute input to research projects related to indigenous peoples.
- d. That the proposal of the National Autonomous University of Mexico be accepted, considering that it would make it possible to fulfill the objectives recommended in the preceding paragraph.
- e. That any initiatives respect the multinational nature of the patrimony of the III.
- f. That loaning the archives be considered as a possibility or that their donation be considered if acceptable to all states.
- g. That in the event that the responsible institution decides to no longer maintain the collections, that any future determination be made collectively by the states party to the Pátzcuaro Convention (in the event that it is still in force) or by the OAS General Assembly.
- h. That measures be taken to make possible the dissemination of the archives to all the countries in the region, and to that end, it is recommended to consider entering into agreements with other libraries to allow access to the digital archives, specially, an agreement with the OAS Columbus Library.

4. To request the Permanent Council to report to the Inter-American Indian Institute on the recommendations made by the Informal Working Group.

AG/RES. 2371 (XXXVIII-O/08)

MECHANISM TO FOLLOW UP ON IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION ON THE PREVENTION, PUNISHMENT, AND ERADICATION
OF VIOLENCE AGAINST WOMEN, "CONVENTION OF BELÉM DO PARÁ"

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN resolutions AG/RES. 2162 (XXXVI-O/06) and AG/RES. 2330 (XXXVII-O/07), "Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, 'Convention of Belém do Pará'" (MESECVI), in which the General Assembly took note of the report of the Permanent Council on implementation of the follow-up mechanism; and

CONSIDERING:

That the Convention of Belém do Pará is the only specific, binding international legal instrument on gender-based violence and has become an important framework in which the states parties thereto undertake to implement policies, laws, and national and regional action programs to eradicate violence against women;

That the Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará" (MESECVI) has been in effect since 2004, as a means of assessing progress and trends in the fulfillment of the objectives of the Convention and facilitating cooperation among the states parties and with the member states of the Organization of American States (OAS);

That to date 32 member states have ratified the Convention of Belém do Pará;

That, despite the efforts made by the countries of the region, violence against women continues to be an area of special concern;

That the first multilateral evaluation round of the MESECVI has arrived at its final phase, which demonstrates the interest and support of the states parties in building a genuine instrument for progress in punishing and eradicating gender-based violence in the Hemisphere;

That the OAS General Secretariat, through the Permanent Secretariat of the Inter-American Commission of Women (CIM), serves as the secretariat to the organs of the MESECVI, with advice, where appropriate, from the Inter-American Commission on Human Rights (IACHR), as well as from other areas of the General Secretariat; and

That the human and financial resources available to the technical secretariat of the MESECVI are not sufficient to ensure the Mechanism's full and effective functioning; and the valuable financial and human resources provided by the Government of Mexico to the MESECVI over the past year,

RESOLVES:

1. To take note of the report of the Permanent Council on the activities of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention,

Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará" (MESECVI).

2. To welcome the progress of the first multilateral evaluation round of the MESECVI; and to express its conviction that this exercise will contribute significantly to achievement of the objectives set forth in the Convention.

3. To congratulate the states parties on their efforts to meet the objectives of the Convention; and once again to urge those states that have not yet done so to designate their experts and competent national authorities, so as to ensure the full implementation and success of the Mechanism.

4. To thank the Government of Mexico for its continuing contribution to the Mechanism; and to invite all states parties and states not party to the Convention, permanent observers, international financial institutions, and civil society organizations to contribute to the Specific Fund established in the OAS to finance MESECVI's operations.

5. To reiterate its gratitude to the Permanent Secretariat of the Inter-American Commission of Women (CIM) for its support of the states parties in the process of implementation of the MESECVI; and to thank it for its important role, as technical secretariat of the Mechanism, in the fulfillment of the objectives of the Convention of Belém do Pará.

6. To urge the states parties to the Convention and all OAS member states to strengthen the MESECVI and hemispheric cooperation in combating violence against women, including the participation of experts in meetings of the Committee of Experts (CEVI).

7. To encourage the states parties to the Convention to provide economic support or human resources to the MESECVI to enable it to comply with its work calendar and to ensure the its optimal functioning.

8. To request the Secretary General, in accordance with available financial resources, and with the agreement of the Committee on Administrative and Budgetary Affairs (CAAP), to allocate the human, technical, and financial resources needed to enable the CIM to continue supporting the implementation of the MESECVI.

9. To request the Secretary General to analyze the possibility of holding a donors' meeting to make it possible to obtain the resources needed for the MESECVI to function.

10. To thank the Government of the Argentine Republic for having hosted the Third Meeting of the Committee of Experts (CEVI) of the MESECVI in Buenos Aires, Argentina, from July 18 to 20, 2007; and to urge member states to lend their support to enable the meetings of the CEVI to be held in the states parties to the Convention, as far as possible on a rotating basis.

11. To thank the Government of the Bolivarian Republic of Venezuela for its commitment to hosting the Second Conference of States Parties to the Convention of Belém do Pará in July 2008, which will consider and adopt the Hemispheric Report on the first multilateral evaluation round of MESECVI.

12. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of resources in the program-budget of the Organization and other resources.

AG/RES. 2402 (XXXVIII-O/08)

PROTECTION OF ASYLUM-SEEKERS AND REFUGEES
IN THE AMERICAS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING its resolution AG/RES. 2232 (XXXVI-O/06), "Protection of Asylum-seekers, Refugees, and Returnees in the Americas," and its resolutions AG/RES. 1762 (XXX-O/00), AG/RES. 1832 (XXXI-O/01), AG/RES. 1892 (XXXII-O/02), AG/RES. 1971 (XXXIII-O/03), AG/RES. 2047 (XXXIV-O/04), and AG/RES. 2296 (XXXVII-O/07);

WELCOMING the fact that 28 member states of the Organization of American States (OAS) have acceded to the 1951 Convention Relating to the Status of Refugees and 30 to its 1967 Protocol; that most of those countries have incorporated their provisions in their domestic laws and regulations; and that Chile, Mexico, and Nicaragua are in the process of adopting new domestic legislation on refugees;

UNDERSCORING the importance of the Cooperation Agreement signed on November 12, 2007, by the OAS General Secretariat and the Office of the United Nations High Commissioner for Refugees (UNHCR) to promote international refugee law in the Hemisphere;

RECOGNIZING the commitment assumed by OAS member states to continue extending protection to asylum-seekers and refugees on the basis of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and to seek lasting solutions to their situation;

RECOGNIZING ALSO the efforts that countries of origin are making, with support from the international community, to deal with the circumstances that generate flows of asylum-seekers and the importance of persisting in those efforts;

EMPHASIZING the efforts made by some receiving countries of the region, faithful to their generous tradition of asylum even under difficult socioeconomic conditions, to continue extending protection to asylum-seekers and refugees;

UNDERSCORING the importance of implementation of the Mexico Plan of Action to Strengthen the International Protection of Refugees in Latin America, adopted by 20 Latin American states on November 16, 2004, in Mexico City, in the context of the commemoration of the 20th anniversary of the 1984 Cartagena Declaration on Refugees, in order to attend to the needs for protection and to make progress in the quest for durable solutions for refugees in the region, and the report evaluating its implementation presented by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva, Switzerland, in September 2007;

WELCOMING the initiatives taken in accordance with that Plan of Action by Argentina, Brazil, and Chile to establish and implement the Regional Solidarity Resettlement Program, and the recent incorporation of Uruguay and Paraguay into said program;

UNDERSCORING the importance of international technical and financial cooperation to adequately address, and to find or, as appropriate, support durable solutions to, the situation of refugees and asylum-seekers; and noting with satisfaction, in this context, the signing of agreements between the UNHCR and various countries of the region aimed at improving national protective mechanisms;

RECOGNIZING the responsibility of states to provide international protection to refugees on the basis of the principles of international solidarity and responsibility-sharing; and

HIGHLIGHTING the importance of the special meeting of January 29, 2008 on current issues in international refugee law organized by the OAS Committee on Juridical and Political Affairs with the support of the Department of International Law of the General Secretariat and that of the UNHCR,

RESOLVES:

1. To reaffirm its support for, and emphasize the relevance and fundamental importance of, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as the principal universal instruments for the protection of refugees; and to urge the member states that are parties thereto to continue to implement fully and effectively all of their obligations in that regard.

2. To urge those states parties that have not yet done so to consider, as the case may be, signing, ratifying, or acceding to the international instruments in the area of refugees, and to promote the adoption of procedures and institutional mechanisms for their effective application, in accordance with those instruments.

3. To support the Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America; and to continue implementing it fully and effectively, with support from the international community and from the Office of the United Nations High Commissioner for Refugees (UNHCR).

4. To urge member states and the international community to collaborate in and support the strengthening and consolidation of the "Borders of Solidarity," "Cities of Solidarity," and "Resettlement in Solidarity" programs proposed in the Mexico Plan of Action.

5. To reaffirm the importance and the vital role of international cooperation in the search for, and strengthening of, durable solutions to address the situation of refugees and asylum-seekers; and to urge member states and the international community to increase technical and economic cooperation to the countries of the Hemisphere that receive refugees and that so require, and to work in cooperation with the UNHCR to provide effective protection to asylum-seekers and refugees in the region.

6. To recognize the efforts and the progress that the countries of origin have been making; and to encourage them, to the extent of their ability and with support from the UNHCR and the international community, to continue making efforts to deal with the circumstances that generate flows of asylum-seekers.

7. To recognize the efforts and progress that countries of the Hemisphere that receive refugees have made in implementing protective mechanisms, in accordance with international refugee law and the international principles of refugee protection established therein.

8. To instruct the Permanent Council to organize, through the Committee on Juridical and Political Affairs and with support from the Department of International Law of the General Secretariat and the collaboration of the UNHCR, a course on international refugee law for staff of the permanent missions of member states to the OAS, General Secretariat personnel, and other interested persons during the second half of 2008.

9. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the outcome of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2403 (XXXVIII-O/08)

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

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1816 (XXXI-O/01), AG/RES. 1897 (XXXII-O/02), AG/RES. 1927 (XXXIII-O/03), AG/RES. 2037 (XXXIV-O/04), AG/RES. 2125 (XXXV-O/05), AG/RES. 2233 (XXXVI-O/06), and AG/RES. 2283 (XXXVII-O/07);

TAKING INTO ACCOUNT:

That in the inter-American system the OAS member states undertake to respect and protect the human rights of persons who have been deprived of freedom, including all applicable rights established in the American Declaration of the Rights and Duties of Man and those established in all other human rights instruments to which they are party;

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

The conclusions and recommendations of the Fifth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-V), contained in its Final Report (REMJA-V/doc.9/04), and, in particular, the recommendation that the states promote “modernization of prison infrastructure and extend the functions of rehabilitation and social integration of the individual, by improving conditions of detention and studying new penitentiary standards”;

The conclusions and recommendations of the Sixth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-VI), including those on a possible inter-American declaration on the rights, duties, and care of persons under any form of detention or imprisonment and those on the feasibility of preparing a hemispheric manual on penitentiary rights, taking as a basis the United Nations Standard Minimum Rules for the Treatment of Prisoners (REMJA-VI/doc.21/06 rev. 1, paragraphs 4.d and b); and

The Recommendations of the First Meeting of Officials Responsible for the Penitentiary and Prison Policies of the OAS Member States (GAPECA/doc.04/03), held in Washington, D.C., on October 16 and 17, 2003;

TAKING NOTE of the “Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas,” approved by the Inter-American Commission on Human Rights through resolution 01/08, adopted at the Commission’s 131st regular session; and

OBSERVING WITH CONCERN the critical situation of violence and overcrowding in places of deprivation of freedom in the Americas, and stressing the need to take concrete measures to prevent this situation and to ensure the exercise of the human rights of persons deprived of freedom,

RESOLVES:

1. To urge member states to comply, under all circumstances, with all applicable international obligations to respect the human rights of persons under any form of detention or imprisonment, including the rights established in the American Declaration of the Rights and Duties of Man and those established in all other human rights instruments to which they are party.

2. To instruct the Permanent Council to continue studying the question of the rights and the care of persons under any form of detention or imprisonment, in cooperation with the competent organs and entities of the inter-American system and taking into account the Conclusions and Recommendations of the Seventh Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, contained in the Final Report of that meeting (REMJA-VII/doc.7/08 rev. 1), including the reports of the meetings of officials responsible for penitentiary and prison policies.

3. To request the Inter-American Commission on Human Rights (IACHR), at the request of the Rapporteurship on the Rights of Persons Deprived of Freedom to continue reporting on the situation of persons under any form of detention or imprisonment in the Hemisphere and, using as a basis its work on the subject, to continue making reference to the problems and best practices it observes.

4. To congratulate and acknowledge those member states that have invited the Special Rapporteur on the Rights of Persons Deprived of Freedom in the Americas of the Inter-American Commission on Human Rights to visit their countries, including their detention centers; and to encourage all member states to facilitate such visits.

5. Also to recognize the important work of the International Committee of the Red Cross, within its sphere of competence, to help persons deprived of liberty in detention centers and prisons to receive humane treatment.

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

7. To reiterate to the Permanent Council that, on the basis of the results of the discussions and studies conducted, including the inputs of the IACHR, such as the document entitled "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas" and the work of the Special Rapporteur of the IACHR on the Rights of Persons Deprived of Freedom in the Americas, and the results of the Second Meeting of Officials Responsible for Penitentiary and Prison Policies, to be held pursuant to the REMJA-VII decision, it consider the possibility of drafting an inter-American declaration on the rights, duties, and care of persons under any form of detention or imprisonment, with a view to strengthening existing international standards on these topics, and the feasibility of preparing a hemispheric manual on penitentiary rights, taking as a basis the United Nations Standard Minimum Rules for the Treatment of Prisoners, and that it keep the membership abreast of developments.

8. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2404 (XXXVIII-O/08)

EDUCATION ON HUMAN RIGHTS IN FORMAL EDUCATION IN THE AMERICAS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING its resolution AG/RES. 2066 (XXXV-O/05), in which the General Assembly of the Organization of American States (OAS) suggested including human rights content and basic activities in the academic curricula of educational institutions, and its resolution AG/RES. 2321 (XXXVII-O/07);

CONSIDERING that in the Plan of Action of the First Summit of the Americas, held in Miami in 1994, the Heads of State and Government established that governments should “[d]evelop programs for the promotion and observance of human rights, including educational programs to inform people of their legal rights and their responsibility to respect the rights of others”;

CONSIDERING ALSO that Article 13 of the Inter-American Democratic Charter establishes that “[t]he promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere”;

BEARING IN MIND that Article 13.2 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, “Protocol of San Salvador,” refers to essential factors to which education in each of the states parties should be directed, one of them being respect for human rights;

APPRECIATING the efforts of the Inter-American Institute of Human Rights (IHR) in producing, uninterruptedly since 2002, five Inter-American Reports on Human Rights Education, which record progress made by the states parties to the Protocol of San Salvador with respect to human rights education;

RECALLING that Article 49 of the OAS Charter provides that “[t]he Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education,” taking into account, *inter alia*, that “[e]lementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge”;

CONSIDERING that the right to human rights education from the very first years at school helps strengthen the democratic system, development, security, and progress of the free societies of the Americas;

REAFFIRMING that the Inter-American Democratic Charter regards the promotion and protection of human rights as a prerequisite for the existence of a democratic society;

APPRECIATING the efforts of the Conference of Ministers of Education on Human Rights Education, convened by the Minister of Education of Panama and the IHR and held in May and June 2007, to strengthen the human rights material incorporated into the member states’ formal educational systems;

RECOGNIZING that effectively incorporating human rights education into the formal educational system, to which measure all the member states are committed, is an aspect of medium- and long-term efforts and, therefore, requires financial sustainability;

RECOGNIZING ALSO that the Inter-American Institute of Human Rights has, in compliance with its mandates, been playing a fundamental role in supporting the inter-American system for the effective incorporation of education on human rights into formal educational systems and in other areas in the countries of the Americas; and

NOTING WITH SATISFACTION the progress made in the implementation of the Inter-American Program on Education in Democratic Values and Practices since its launch in August 2005, and the important role played by the Inter-American Institute of Human Rights on the Advisory Board for the Program,

RESOLVES:

1. To acknowledge the progress, actions, and policies gradually being implemented by member states with respect to human rights education for children and young people in academic institutions, as documented by the Inter-American Reports on Human Rights Education.
2. To suggest that member states implement, if, and to the extent that, they have not yet done so, the recommendations contained in the Inter-American Reports on Human Rights Education at different levels in their formal education systems.
3. To suggest to member states that they analyze the contributions of the Curricular and Methodological Proposal of the Inter-American Institute of Human Rights (IIHR) to incorporate human rights education into the official curriculum for children aged 10 to 14, with a view to their adopting it and in accordance with Article 13.2 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. Accordingly, to recommend to member states that have not already done so that they adopt, sign, and ratify this instrument.
4. To underscore the work and achievements of the Inter-American Meeting of Ministers of Education on Human Rights Education in the states parties to the Protocol of San Salvador, in which participants shared their experience and discussed the curricular and methodological developments needed to introduce or strengthen human rights education in each state party's educational system.
5. To encourage member states to continue supporting the Inter-American Institute of Human Rights in educational activities and projects conducted at the national and regional levels under this mandate.

AG/RES.2406 (XXXVIII-O/08)

RIGHT TO THE TRUTH

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN its resolutions AG/RES. 2175 (XXXVI-O/06) and AG/RES. 2267 (XXXVII-O/07), "Right to the Truth";

CONSIDERING the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, or "Pact of San José, Costa Rica," the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on Forced Disappearance of Persons;

CONSIDERING IN PARTICULAR Articles 25, 8, 13, and 1.1 of the American Convention on Human Rights, related, respectively, to the right to judicial protection, the right to due process and judicial guarantees, the right to freedom of expression, and the duty of states to respect and guarantee human rights;

CONSIDERING ALSO the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions of 1949 and the 1977 Additional Protocols thereto, the 2006 International Convention for the Protection of All Persons from Enforced Disappearance, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action;

NOTING the universality, interdependence, indivisibility, and interrelatedness of civil, political, economic, social, and cultural rights;

TAKING NOTE of Articles 32 and 33 of Additional Protocol I, adopted on June 8, 1977, to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts, which recognize the right of families, as soon as circumstances permit, to know the fate of persons who have disappeared in armed conflicts;

STRESSING that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of severe or systematic violations of human rights;

RECALLING resolution 2005/66 of the United Nations Commission on Human Rights, on the right to the truth, and decision 2/105 of the United Nations Human Rights Council;

RECALLING ALSO its resolution AG/RES. 445 (IX-O/79), on the promotion of human rights, and its resolutions AG/RES. 510 (X-O/80), AG/RES. 618 (XII-O/82), AG/RES. 666 (XIII-O/83), and AG/RES. 742 (XIV-O/84), on forced disappearance;

TAKING INTO ACCOUNT its resolution AG/RES. 2134 (XXXV-O/05), on persons who have disappeared, and its resolutions AG/RES. 2231 (XXXVI-O/06) and AG/RES. 2295 (XXXVII-O/07), on persons who have disappeared and assistance to members of their families;

NOTING that the General Assembly has received reports from the Inter-American Commission on Human Rights on the human rights situation in certain countries of the region, which refer to the right to the truth and recognize that the disappearance of persons causes suffering and

hardship, especially to relatives and any other person having a legitimate interest, who are uncertain about their fate and unable to provide them with legal, moral, and material assistance;

NOTING ALSO that the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights have recognized the right to the truth in their respective recommendations and judgments in various individual cases of human rights violations;

TAKING NOTE of the oral progress report presented by the IACHR in April 2008 on the preparation of the report requested in resolution AG/RES. 2267 (XXXVII-O/07);

ACKNOWLEDGING that the right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information;

ACKNOWLEDGING ALSO the study on the right to the truth prepared by the Office of the United Nations High Commissioner for Human Rights (E7CN.4/2006/91) in fulfillment of Human Rights Commission resolution 2005/66;

RECALLING the conclusions of the regional seminar "Memory, Truth, and Justice: Our Recent Past," held in the context of the Meeting of Competent High Authorities on Human Rights and Foreign Ministries of MERCOSUR and Associated States, in November 2005, which recognize the collective dimension of the right to the truth;

STRESSING that the regional community should make a commitment to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations, and the circumstances under which they occurred;

STRESSING ALSO that it is important for states to provide effective mechanisms for society as a whole and, in particular, for relatives of the victims, to learn the truth regarding gross violations of human rights and serious violations of international humanitarian law; and

CONVINCED that states, within the framework of their own internal legal systems, should preserve records and other evidence concerning gross violations of human rights and serious violations of international humanitarian law, in order to facilitate knowledge of such violations, investigate allegations, and provide victims with access to an effective remedy in accordance with international law, in order to prevent these violations from occurring again in the future, among other reasons,

RESOLVES:

1. To recognize the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promoting and protecting human rights.
2. To welcome the establishment in several states of specific judicial mechanisms, as well as other non-judicial or ad hoc mechanisms, such as truth and reconciliation commissions, that complement the justice system, to contribute to the investigation of violations of human rights and of international humanitarian law; and to express appreciation for the preparation and publication of the reports and decisions of these bodies.
3. To encourage the states concerned to disseminate and implement the recommendations of national non-judicial or ad hoc mechanisms, such as truth and reconciliation commissions, to monitor the implementation of said recommendations at the domestic level, and to report on compliance with the decisions of judicial mechanisms.
4. To encourage other states to consider the possibility of establishing specific judicial mechanisms and, where appropriate, truth commissions or other similar bodies to complement the justice system, to contribute to the investigation and punishment of gross violations of human rights and serious violations of international humanitarian law.
5. To encourage states and the Inter-American Commission on Human Rights (IACHR), within its sphere of competence, to provide the states that so request with necessary and appropriate assistance concerning the right to the truth, through, *inter alia*, technical cooperation and information exchange on national administrative, legislative, and judicial measures applied, as well as experiences and best practices geared toward the protection, promotion, and implementation of this right.
6. Once again to request the IACHR to continue working on the preparation of a report, for presentation to the Permanent Council in the second half of 2008, on the evolution of the right to the truth in the Hemisphere, which report shall include national mechanisms and experiences in this regard. This with a view to the Permanent Council's holding, in the first half of 2009, a special meeting on the right to the truth to discuss the IACHR report and exchange national experiences.
7. To encourage all states to take appropriate measures to establish mechanisms or institutions for disclosing information on human rights violations, and to ensure that citizens have appropriate access to said information, in order to further the exercise of the right to the truth, prevent future human rights violations, and establish accountability in this area.
8. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2407 (XXXVIII-O/08)

STRENGTHENING OF HUMAN RIGHTS SYSTEMS PURSUANT TO THE MANDATES
ARISING FROM THE SUMMITS OF THE AMERICAS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.4698/07 corr. 1) as it pertains to this topic, as well as resolutions AG/RES. 1828 (XXXI-O/01), AG/RES. 1890 (XXXII-O/02), AG/RES. 1925 (XXXIII-O/03), AG/RES. 2030 (XXXIV-O/04), AG/RES. 2075 (XXXV-O/05), AG/RES. 2220 (XXXVI-O/06), and AG/RES. 2291 (XXXVII-O/07);

REAFFIRMING that universal promotion and protection of human rights, including civil, political, economic, social, and cultural rights, based on the principles of universality, indivisibility, and interdependence, as well as respect for international law, including international humanitarian law, international human rights law, and international refugee law, are essential to the functioning of democratic societies; and stressing the importance of respect for the rule of law, effective and equal access to justice, and participation by all elements of society in public decision-making processes;

REAFFIRMING ALSO the importance of the inter-American human rights system, whose organs have competence to promote the observance of human rights in all member states of the Organization, in accordance with the commitments undertaken by each state, and which operate in a manner subsidiary to national jurisdictional systems;

EXPRESSING that strengthening the autonomy of the Inter-American Commission on Human Rights (IACHR) in the context of the Charter of the Organization of American States, the American Convention on Human Rights, and the Statute and Rules of Procedure of said Commission, will lead to improvements in the inter-American human rights system;

CONSIDERING that the Organization can serve as a forum for contributing to the efforts of member states to develop and strengthen national systems for the promotion and protection of human rights; and

BEARING IN MIND the Declaration and Plan of Action of the Third Summit of the Americas (Quebec City, 2001) and of the Fourth Summit of the Americas (Mar del Plata, Argentina, 2005), in particular, paragraphs 45 and 62 of the Plan of Action of the Fourth Summit, on the development of comprehensive economic and social policies, and on strengthening of the inter-American human rights system, respectively,

RESOLVES:

1. To reaffirm the commitment of member states to continue strengthening and improving the inter-American system for the promotion and protection of human rights and, in that connection, to continue to take the following concrete measures aimed at implementing the respective mandates of the Heads of State and Government arising from the Summits of the Americas, in particular, the Third Summit (Quebec City, 2001) and the Fourth Summit (Mar del Plata, Argentina, 2005):

- a. Universalization of the inter-American human rights system by considering the signature and ratification or ratification of, or accession to, as soon as possible and as the case may be, all universal and inter-American human rights instruments;
- b. Compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights;
- c. Improvement of access by victims to the mechanisms of the inter-American human rights system;
- d. Adequate financing of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, including the fostering of voluntary contributions, so that they may continue to address their activities and responsibilities; and
- e. Examination of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights may come to operate on a permanent basis, taking into account, among other things, the views of those organs.

2. To recognize the following progress made in the specific areas of the inter-American human rights system, namely:

- a. The broad process of reflection on the inter-American system for the promotion and protection of human rights, within the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council and the importance of the informal meetings held in the framework of the CAJP and of the exchange of proposals and comments between the member states and the organs of the inter-American human rights system, regarding ways to strengthen and improve it;
- b. Also, that those meetings contributed to the "dialogue on the workings of the inter-American human rights system between member states and the members of the Inter-American Commission on Human Rights and the judges of the Inter-American Court of Human Rights," on April 4, 2007, at which were received, as well, contributions from civil society organizations in accordance with the guidelines for civil society participation in OAS activities, as recorded in the report of the meeting (CP/CAJP-.../08);
- c. The deposit by Mexico, on August 20, 2007, of its instrument of accession to the Protocol to the American Convention on Human Rights to Abolish the Death Penalty;
- d. The voluntary contributions to facilitate the work of the organs of the inter-American human rights system, made by Canada, Chile, Colombia, Costa Rica, Mexico, and the United States; by Denmark, Finland, France, Ireland, Italy, Norway, the Republic of Korea, Spain, and Sweden; and also by the European Union, the Inter-American Development Bank, the Office of the United Nations High Commissioner for Refugees, the Save the Children Foundation, and the University of Notre Dame; and

- e. To recognize the effort made by the IACHR in beginning the process of consultation on the proposed amendments to its Rules of Procedure in 2007, and to receive the contributions of member states and of civil society, all of which redounds in improved performance and protection of the inter-American human rights system.

3. To instruct the Permanent Council to meet the objectives mentioned in operative paragraph 1 and to complement and consolidate the progress referred to in operative paragraph 2, by:

- a. Continuing the broad process of reflection on the inter-American system for the promotion and protection of human rights, as a matter of special importance in the work program of the CAJP adopted each year, and that, to that end, meetings are scheduled taking account of the proposals put forward in the discussions that took place in said Committee. Said process of reflection will continue in consultation with the member states, specialized agencies of the inter-American human rights system, nongovernmental organizations, national human rights institutes, academic institutions, and experts in the field, regarding:
 - i. The major challenges facing the inter-American system for the promotion and protection of human rights in the Hemisphere;
 - ii. Possible actions to strengthen and improve the system; and
 - iii. The advisability of convening an inter-American human rights conference;
- b. Continuing to examine, principally through the Committee on Administrative and Budgetary Affairs (CAAP) of the Permanent Council, ways to bring about adequate financing of the organs of the inter-American human rights system in the program-budget of the Organization;
- c. Supporting any initiatives taken by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to request funding from international and regional agencies to further the activities of the organs of the inter-American system for the promotion and protection of human rights;
- d. Encouraging, in addition, member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights, as well as to the Oliver Jackman Fund established by resolution AG/RES. 2329 (XXXVII-O/07);
- e. Continuing to consider ways to promote compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights by member states;
- f. Continuing to analyze the priorities for improvement of the inter-American human rights system, including consideration of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on

Human Rights may come to operate on a permanent basis, taking into account related information provided by the presidents of both organs;

- g. Holding each year, within the CAJP, the dialogue between the member states and the members of the Inter-American Commission on Human Rights and judges on the Inter-American Court of Human Rights on how the inter-American human rights system operates. The CAJP will establish the agenda for said meeting at least two months in advance; and
- h. Requesting the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to continue to report on the impact and the meaning in practice of these regulatory reforms for the work of both organs and for the strengthening of the system.

4. To continue to promote the strengthening of national systems for the promotion and protection of human rights in member states; and, to that end, to urge the pertinent organs, agencies, and entities of the Organization to provide, in accordance with their capabilities and resources, cooperation and technical support to the member states that so request, in order to help enhance compliance with their international human rights obligations, and to develop cooperative relations and information exchange with, *inter alia*, the Ibero-American Federation of Ombudsmen, the Caribbean Ombudsmen's Association, the Network of National Human Rights Institutions of the Americas, the Andean Council of Ombudsmen, and the Central American Ombudsman Council.

5. To urge 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."

6. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2408 (XXXVIII-O/08)

OBSERVATIONS AND RECOMMENDATIONS ON THE ANNUAL REPORT
OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights (AG/doc....);

UNDERSCORING that 2009 marks the 40th anniversary of the adoption of the American Convention on Human Rights and the 30th anniversary of the establishment of the Inter-American Court of Human Rights;

CONSIDERING:

That in the Declaration of the Third Summit of the Americas (Quebec City, 2001) the Heads of State and Government stated that their “commitment to full respect for human rights and fundamental freedoms is based on shared principles and convictions” and that they supported “strengthening and enhancing the effectiveness of the inter American human rights system, which includes . . . the Inter-American Court of Human Rights”;

That in the Declaration and the Plan of Action of the Fourth Summit of the Americas (Mar del Plata, Argentina, 2005) the Heads of State and Government recognized that the promotion and protection of human rights, on the basis of the principles of universality, indivisibility, and interdependence, are essential to the functioning of democratic societies. Likewise, they undertook “[t]o continue supporting and strengthening the functioning of the bodies of the Inter-American System of Human Rights, promoting within the political bodies of the OAS, in the framework of the ongoing reflection process, concrete actions to achieve, among other objectives, greater adhesion to the legal instruments, an effective observance of the decisions by the Inter-American Court of Human Rights and due consideration of the recommendations of the Inter-American Commission of Human Rights, and the improvement of access of the victims to the mechanisms of the system, and the adequate financing of the bodies of the System, including the fostering of voluntary contributions”;

That Article 54.f of the Charter of the Organization of American States establishes that it is a function of the General Assembly to consider the observations and recommendations presented by the Permanent Council on the reports of the organs, agencies, and entities of the Organization, in accordance with Article 91.f of the Charter; and

That Article 65 of the American Convention on Human Rights establishes that “to each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly’s consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations”;

UNDERSCORING WITH SATISFACTION the efficient work done by the Inter-American Court of Human Rights in the exercise of its advisory functions; and in particular its substantial output in 2007 with respect to its contentious functions;

EXPRESSING ITS APPRECIATION for the offers of the Governments of Chile, Paraguay, Argentina, Brazil, El Salvador, Guatemala, Colombia, Honduras, Uruguay, Mexico, Ecuador, and the Dominican Republic to host special sessions of the Inter-American Court of Human Rights, as a means of promoting the inter-American human rights system;

NOTING the practice initiated by the Inter-American Court of Human Rights to hold private hearings on the monitoring of compliance with its judgments;

RECOGNIZING the importance of the training activities carried out by the Inter-American Court of Human Rights for judges and others involved in the administration of justice, as a means of bringing about a better understanding of the inter-American human rights system;

EXPRESSING APPRECIATION for the valuable, detailed report "Monetary Reparations and Status of Compliance Therewith," presented to the states by the Inter-American Court of Human Rights, which describes and highlights the Court's work in this area; and

UNDERSCORING the importance of the initiative of the Inter-American Court of Human Rights to hold a seminar in 2009 on progress made in human rights in the region, including participation by civil society, which would also afford an excellent opportunity to share best practices on the subject and to consider the present problems faced by the system and its future challenges,

RESOLVES:

1. To adopt the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights and to forward them to that organ.

2. To reaffirm the essential value of the work of the Inter-American Court of Human Rights in enhancing the protection and defense of human rights in the Hemisphere.

3. To reiterate that the judgments of the Inter-American Court of Human Rights are final and may not be appealed, and that the states parties to the American Convention on Human Rights undertake to comply with the decisions of the Court in all cases to which they are party.

4. To reiterate the need for states parties to provide, in a timely fashion, the information requested by the Court in order to enable it to fully meet its obligation to report to the General Assembly on compliance with its judgments.

5. To reaffirm the importance of:

- a. The advisory function of the Inter-American Court of Human Rights for the development of inter-American jurisprudence and international human rights law;
- b. The jurisprudence of the Inter-American Court of Human Rights for the effective exercise of and respect for human rights in the Hemisphere; and consequently the importance of the dissemination of its decisions by the member states, as they deem it appropriate;
- c. The special sessions of the Inter-American Court of Human Rights held away from its headquarters, given their importance in disseminating information on the inter-American human rights system and especially on the work of the Inter-American Court; and

- d. The training activities conducted by the Inter-American Court for judges and others involved in the administration of justice.
6. To instruct the Permanent Council to:
 - a. Continue its consideration of the issue of "Access of victims to the Inter-American Court of Human Rights (*jus standi*) and its application in practice," including its financial and budgetary implications, taking into account the need to maintain procedural equity and to redefine the role of the Commission in proceedings before the Court;
 - b. Continue to consider means of encouraging compliance by member states with the judgments of the Court; and
 - c. Instruct the Permanent Council to continue analyzing ways to achieve an effective increase of the financial resources allocated to the Inter-American Court of Human Rights in the program-budget of the Organization. To that end, thank the Secretary General of the Organization for his work and urge him to continue his efforts and present additional proposals for achieving adequate funding for the Inter-American Court of Human Rights in the program-budget of the Organization.
 7. To thank the member states (Colombia, Costa Rica, and Mexico) and permanent observers (the European Union, Norway, and Spain) and the Office of the United Nations High Commissioner for Refugees (UNHCR), which have made voluntary contributions to the Inter-American Court of Human Rights. In addition, to urge member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights; and to encourage permanent observers and other donors in accordance with Article 74 of the General Standards to Govern the Operations of the General Secretariat to make voluntary contributions to the Inter-American Court of Human Rights.
 8. To encourage member states to continue to invite the Inter-American Court of Human Rights to hold special sessions away from its headquarters.
 9. To urge the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Institute of Human Rights to continue to hold specialized seminars on the inter-American system for the promotion and protection of human rights for government officials.
 10. To support the initiative of the Inter-American Court of Human Rights to hold a seminar on the present and future challenges to the inter-American human rights system.
 11. To invite the Inter-American Court of Human Rights to continue to participate, with its judges, in the dialogue with member states in the reflection process on strengthening the inter-American human rights system, within the context of the Committee on Juridical and Political Affairs.
 12. Also to invite the Inter-American Court to bear in mind the proposals and comments issued by the member states in the framework of the dialogue, between the member states and the members of the IACHR and the Court, on the functioning of the inter-American human rights system, on April 4, 2008, as well as the contributions by civil society, as set out in the report of

that meeting (CP/CAJP-____), and to adopt the measures it deems appropriate in the framework of its autonomy and independence.

13. To thank the Court for its willingness to dialogue with member states as part of the joint reflection process in the event of possible reforms to its Rules of Procedure.

14. To urge member states to consider the signature and ratification of, ratification of, or accession to, as the case may be, the American Convention on Human Rights and other instruments of the system, including acceptance of the binding jurisdiction of the Inter-American Court of Human Rights.

15. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2409 (XXXVIII-O/08)

OBSERVATIONS AND RECOMMENDATIONS ON THE ANNUAL REPORT
OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Commission on Human Rights (CP/doc..../08);

EMPHASIZING that in 2009 the 40th anniversary of the adoption of the American Convention on Human Rights and the 30th anniversary of the establishment of the Inter-American Court of Human Rights will be celebrated;

CONSIDERING:

That, in the Charter of the Organization of American States (OAS), the member states have proclaimed, as one of their principles, respect for the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

That, under the OAS Charter and the American Convention on Human Rights, the principal function of the Inter-American Commission on Human Rights (IACHR) is to promote the observance and protection of human rights;

That in the Declaration and Plan of Action of the Fourth Summit of the Americas (Mar del Plata, Argentina, 2005) the Heads of State and Government recognized that the promotion and protection of human rights, on the basis of the principles of universality, indivisibility, and interdependence, are essential to the functioning of democratic societies, as well as the need to continue the process of strengthening and enhancing the effectiveness of the inter-American human rights system to achieve, among other objectives, greater accession to the legal instruments, effective observance of the decisions of the Inter-American Court of Human Rights, and due consideration of the recommendations of the Inter-American Commission of Human Rights;

THANKING the Government of Paraguay for the invitation it extended to the IACHR to hold its 129th special session in Asunción, from September 5 to 7, 2007, as a means of promoting the inter-American human rights system;

THANKING ALSO the Governments of Argentina, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, and Uruguay, which have extended open and permanent invitations to the IACHR to visit those countries; and

THANKING AS WELL the Government of Argentina for its invitation to the IACHR to hold a special session in that country in 2009, on the occasion of the 30th anniversary of its on-site visit to Argentina, for the 40th anniversary of the adoption of the American Convention on Human Rights, and for the 50th anniversary of the establishment of the IACHR,

RESOLVES:

1. To adopt the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Commission on Human Rights (CP/doc..../07) and to forward them to that organ.

2. To reaffirm the essential value of the work carried out by the Inter-American Commission on Human Rights (IACHR) to enhance the protection and promotion of human rights and to reinforce the rule of law in the Hemisphere.

3. To encourage member states to:

- a. Consider signing and ratifying, ratifying, or acceding to, as the case may be, all legal instruments of the inter-American human rights system;
- b. Follow up on the recommendations of the IACHR, including, *inter alia*, precautionary measures; and
- c. Continue to take appropriate action in connection with the annual reports of the IACHR, in the context of the Permanent Council and the General Assembly.

4. To note with satisfaction the decisions taken by governments of member states that have invited the IACHR to visit their respective countries; and to encourage all member states to continue this practice and to consider the requests filed by the IACHR to that end.

5. To encourage member states to continue inviting the IACHR to hold special sessions away from its headquarters.

6. To urge the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the Inter-American Institute of Human Rights to continue to hold specialized seminars from time to time for government officials, on the inter-American system for the promotion and protection of human rights.

7. To reiterate the importance of the application of the friendly settlement mechanism among parties concerned, in accordance with the American Convention on Human Rights and the Statute and Rules of Procedure of the Inter-American Commission on Human Rights.

8. To take the following actions with regard to financing of the IACHR:

- a. Instruct the Permanent Council to continue analyzing ways to achieve an effective increase in the financial resources allocated to the IACHR in the program-budget of the Organization. To that end, thank the Secretary General for his work and urge him to continue his efforts and to present, prior to the thirty-ninth regular session of the General Assembly, additional proposals aimed at achieving adequate financing for the Commission in said program-budget;
- b. Thank member states, permanent observers, and institutions that have made voluntary contributions to the IACHR; and
- c. Suggest to donors that, to the extent possible, part of the voluntary contributions that they make not be earmarked for specific purposes, to give

the Commission flexibility in allocating resources among its various activities and projects.

9. To invite the IACHR to:
 - a. Continue to take into account the observations and recommendations of the member states on its annual report and to adopt such measures as it considers pertinent based on such observations and recommendations;
 - b. Continue to publish on its Internet page, when member states so request, their observations and recommendations on its annual report to the General Assembly;
 - c. Continue to strengthen, pursuant to Article 15 of its Rules of Procedure, existing rapporteurships and operational units, in the most equitable manner possible, within the limits of its available resources, and in accordance with the procedures in effect for designating special rapporteurs; and
 - d. Continue to participate, through the members of the Commission, in the dialogue with member states, in the context of the Committee on Juridical and Political Affairs (CAJP), so as to follow up on the observations and comments of the states set forth in the reports on the meetings held on October 26, 2004 (CP/CAJP/SA.412/04 corr. 1 and CP/CAJP/INF.17/04), on March 9, 2006 (CP/CAJP-2311/05 add. 2 and 2-a), on March 30, 2007 (CP/CAJP-2526/07), and on April 4, 2008 (CP/CAJP-.../08), in particular those on the criteria used when applying its principal mechanisms for the protection of human rights and when applying its Rules of Procedure to the individual case system; and likewise on the role of the IACHR in proceedings before the Inter-American Court of Human Rights.

10. Also to invite the IACHR to bear in mind the proposals and comments issued by the member states in the framework of the dialogue between the member states and the members of the IACHR and the Court, on the functioning of the inter-American human rights system, on April 4, 2008, as well as the contributions by civil society, as set out in the report of that meeting (CP/CAJP-____), and to adopt the measures it deems appropriate in the framework of its autonomy and independence.

11. To instruct the CAJP, with a view to implementing operative paragraph 9.d, to schedule meetings to continue its dialogue with the members of the IACHR.

12. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2411 (XXXVIII-O/08)

STRENGTHENING OF THE NATIONAL HUMAN RIGHTS SYSTEMS OF THE
MEMBER STATES AND SUPPORT FOR THE WORK OF DEFENDERS OF
THE PEOPLE, DEFENDERS OF THE POPULATION, AND HUMAN RIGHTS
ATTORNEYS OR COMMISSIONERS (OMBUDSMEN)

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

TAKING INTO ACCOUNT resolutions AG/RES. 2345 (XXXVII-O/07), AG/RES. 2221 (XXXVI-O/06), and AG/RES. 2132 (XXXV-O/05), "Strengthening of the National Human Rights Systems of the Member States and Support for the Work of Defenders of the People, Defenders of the Population, and Human Rights Attorneys or Commissioners (Ombudsmen)," whereby it recognized the importance of national systems for the promotion and protection of human rights in safeguarding the rights of the individual;

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.4698/07 corr. 2);

TAKING INTO ACCOUNT that in the Charter of the Organization of American States, the American Convention on Human Rights, and the American Declaration of the Rights and Duties of Man, the member states proclaimed the fundamental rights of the individual without distinction as to race, nationality, creed, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition;

REAFFIRMING that the member states recognize that all human rights are universal, indivisible, interdependent, and interrelated, and that all persons should be treated justly and equitably, on an equal footing, bearing in mind the progressive nature of economic, social, and cultural rights;

RECALLING that the World Conference on Human Rights reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights. As stated in the Declaration on the Right to Development, the human person is the central subject of development. While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development. Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favorable economic environment at the international level;

TAKING INTO ACCOUNT that the fundamental objective of national systems for the promotion and protection of human rights is to safeguard the rights of the individual;

BEARING IN MIND the Principles relating to the Status of National Institutions, "Paris Principles," adopted by the United Nations General Assembly in its resolution 48/134, of December 20, 1993;

REAFFIRMING the importance of the inter-American human rights system, whose organs have competence to promote the observance of human rights in all member states of the Organization, in accordance with the commitments undertaken by each state, and which operate in a manner subsidiary to national jurisdictional systems;

TAKING INTO ACCOUNT that all member states have the obligation to promote and protect the human rights and fundamental freedoms, without distinguishing among the specific national and regional characteristics and the different historical, cultural, and religious backgrounds of all states, regardless of their political, economic, and cultural systems; and recognizing that democracy is a universal value and there is no single model of democracy;

AWARE that “[t]he effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States” and that one of the essential purposes of the OAS is “[t]o promote and consolidate representative democracy, with due respect for the principle of nonintervention”;

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

RECALLING resolutions AG/RES. 1505 (XXVII-O/97), AG/RES. 1601 (XXVIII-O/98), and AG/RES. 1670 (XXIX-O/99), in which the General Assembly recognized the work of ombudsmen in the Hemisphere, a concept recognized in the law of member states with names such as defenders of the people, defenders of the population, human rights attorneys, and human rights commissioners;

RECALLING ALSO the message transmitted by the United Nations Commission on Human Rights through resolution 2005/74, “National Institutions for the Promotion and Protection of Human Rights,” which, in paragraph 12, “[w]elcomes the continuation of the practice of national institutions convening regional meetings” and encourages national institutions, in cooperation with the Office of United Nations High Commissioner for Human Rights, “to continue to organize similar events with Governments and non-governmental organizations in their own regions”;

UNDERSCORING the work done by the Caribbean Ombudsmen’s Association, the Network of National Human Rights Institutions of the Americas, the Andean Council of Ombudsmen, the Central American Ombudsman Council, and the Ibero-American Federation of Ombudsmen;

RECALLING the exhortation contained in the aforementioned resolutions that member states of the inter-American system adopt measures to ensure that the defenders of the people, defenders of the population, human rights attorneys, and human rights commissioners enjoy political, administrative, and financial independence; and

TAKING INTO CONSIDERATION the Plan of Action of the Third Summit of the Americas (Quebec City, 2001) as it pertains to strengthening the capacity of national institutions responsible for the promotion and protection of human rights,

RESOLVES:

1. To reaffirm the fundamental importance of national human rights systems for the promotion and protection of human rights in strengthening the rule of law and social justice for the consolidation of democracy.

2. To reiterate its support for the politically, administratively, and financially independent work of the ombudsmen or defenders of the people, defenders of the population, human rights attorneys, and human rights commissioners in the countries of the Hemisphere, in the promotion and protection of human rights.

3. To recommend to member states that do not yet have institutions of the kind to which this resolution refers that they consider the possibility of establishing and operating them within the framework of their legal order.

4. To encourage the governments and organs of the inter-American system to promote the establishment of forums for dialogue between the institutions of the kind to which this resolution refers and the pertinent organs of the inter-American system, in order to strengthen their contribution to the democratic order in the Hemisphere.

5. To reaffirm the support of the Organization of American States for the work of the Caribbean Ombudsmen's Association, the Network of National Human Rights Institutions of the Americas, the Andean Council of Ombudsmen, the Central American Ombudsman Council, and the Ibero-American Federation of Ombudsmen.

6. To reiterate to the Committee on Juridical and Political Affairs of the Permanent Council that it consider inviting the institutions to which this resolution refers to participate in the dialogue to be held among member states on human rights issues, given that their presence is necessary.

7. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2412 (XXXVIII-O/08)

HUMAN RIGHTS DEFENDERS: SUPPORT FOR THE WORK OF INDIVIDUALS, GROUPS, AND ORGANIZATIONS OF CIVIL SOCIETY TO PROMOTE AND PROTECT HUMAN RIGHTS IN THE AMERICAS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc. .../08) as it pertains to this topic, and resolution AG/RES. 2280 (XXXVII-O/07), "Human Rights Defenders: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas";

RECALLING the United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

REITERATING that "[e]veryone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means" in accordance with domestic law consistent with the Charter of the United Nations and other international obligations of the state in the field of human rights and fundamental freedoms;

CONCERNED that situations persist in the Americas that directly or indirectly prevent or hamper the work of individuals, groups, or organizations working to protect and promote human rights and fundamental freedoms;

GRAVELY CONCERNED that, in some instances, national security and counterterrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law;

BEARING IN MIND that, in resolution 60/161 of the United Nations General Assembly and resolution 2005/67 of the former Commission on Human Rights of that organization, the member states of the United Nations noted "with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities";

CONSIDERING that the member states of the Organization of American States have demonstrated their full willingness to support the work carried out by human rights defenders and recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Americas, and to the representation and defense of individuals, minorities, and other groups of persons whose rights are threatened or violated;

NOTING that the decisions of the Inter-American Court of Human Rights granting provisional measures, and the "Report on the Situation of Human Rights Defenders in the Americas," prepared by the Inter-American Commission on Human Rights, have highlighted the importance of the work of human rights defenders to the development of democracies in the Americas;

URGING the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights to continue its work;

EMPHASIZING that everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible;

EMPHASIZING FURTHER that the protection and promotion of human rights is legitimate work and that, in the exercise of their duties, human rights defenders contribute decisively to strengthening democratic institutions and improving national human rights systems; and

EMPHASIZING ALSO the importance of the role of human rights defenders in promoting dialogue, openness, participation, and justice to contribute to the prevention of violence and promote sustainable peace and security, and the affirmation that, to be effective, international strategies in this area must pay special attention to protecting human rights defenders,

RESOLVES:

1. To reiterate its support for the work carried out, at both the national and regional levels, by human rights defenders; and to recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Hemisphere.

2. To recognize that, in view of their gender-specific role and needs, women human rights defenders should be accorded special attention to ensure that they are fully protected and effective in carrying out their important activities.

3. To condemn actions intended to prevent or hamper, whether directly or indirectly, the work of human rights defenders in the Americas.

4. To encourage human rights defenders to continue their selfless work and their contributions to the enhancement of national human rights systems for the strengthening of democracy, in accordance with the principles contained in the United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

5. To encourage member states to continue or begin, as the case may be, activities to educate and disseminate information to government officials, society at large, and the media, both public and private, so as to make them aware of the importance and validity of the work of human rights defenders and their organizations.

6. To urge member states to continue stepping up their efforts to adopt necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their relatives, including effective emergency protection measures in the case of imminent threat or danger, and to ensure that thorough and impartial investigations and proceedings are carried out, and appropriate punishments are applied, in all cases of violations against human rights defenders.

7. To request the Inter-American Commission on Human Rights to:

a. Continue to give due consideration to this matter;

b. Continue intensifying its dialogue and cooperation with the United Nations Special Representative of the Secretary-General on Human Rights Defenders; and

- c. Include in its annual report a section on the work of the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights.

8. To encourage member states to ensure applicable national law—including registration where applicable under national law—concerning human rights defenders and their organizations allows their work to be carried out in a free, transparent, and open political environment and in a manner consistent with applicable international human rights and humanitarian law.

9. To invite member states to promote the dissemination and enforcement of the treaty and non-treaty instruments of the inter-American system and the decisions of its bodies on human rights matters, as well as the United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

10. To invite member states to consider the preparation and implementation of national plans to apply the principles contained in the United Nations Declaration mentioned in the preceding paragraph, for which purpose they may also request the advisory services of the Inter-American Commission on Human Rights.

11. To invite member states to inform the Inter-American Commission on Human Rights of measures adopted to follow up on the recommendations contained in the “Report on the Situation of Human Rights Defenders in the Americas,” prepared in 2006 by the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights.

12. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2415 (XXXVIII-O/08)

PROTECTING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
WHILE COUNTERING TERRORISM

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING resolutions AG/RES. 1840 (XXXII-O/02), AG/RES. 1906 (XXXII-O/02), AG/RES. 1931 (XXXIII-O/03), AG/RES. 2035 (XXXIV-O/04), AG/RES. 2143 (XXXV-O/05), AG/RES. 2238 (XXXVI-O/06), AG/RES. 2271 (XXXVII-O/07), and the Report on Terrorism and Human Rights, prepared by the Inter-American Commission on Human Rights (OEA/Ser.L/V/II.116 – Doc.5 rev. 1);

REAFFIRMING the principles and purposes of the Charter of the Organization of American States and the Charter of the United Nations;

EMPHASIZING that all persons are born free and are entitled to the human rights and fundamental freedoms recognized in the Universal Declaration of Human Rights, without distinction of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or other status, and that this applies in all circumstances, in accordance with international law;

REITERATING that all persons are equal before the law and have the rights and duties established in the American Declaration of the Rights and Duties of Man, without distinction as to race, sex, language, creed, or any other factor;

REAFFIRMING that states are under the obligation to protect all human rights and fundamental freedoms of all persons;

RECOGNIZING that respect for all human rights, respect for democracy, and respect for the rule of law are interrelated and mutually reinforcing;

CONSIDERING that terrorism poses a serious threat to the security, the institutions, and the democratic values of states and to the well-being of our peoples, and that it impairs the full enjoyment and exercise of human rights;

RECOGNIZING that the adoption of measures to ensure respect for human rights for all and the rule of law is one of the pillars of the Plan of Action of the United Nations Global Counter-Terrorism Strategy, adopted by consensus in 2006;

REAFFIRMING that acts, methods, and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms, and democracy, threatening the territorial integrity and security of states and destabilizing legitimately constituted governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism;

REAFFIRMING ALSO its unequivocal condemnation of all acts, methods, and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable; and renewing its commitment to strengthen international cooperation to prevent and combat terrorism;

TAKING INTO ACCOUNT:

That, in the Declaration of Lima entitled "Reaffirmation of the Hemispheric Commitment to Fighting Terrorism" adopted on March 7, 2008, the member states reaffirmed that terrorism in all its forms and manifestations, whatever its origin or motivation, has no justification whatsoever, affects the full enjoyment and exercise of human rights, and constitutes a grave threat to international peace and security, the institutions and values of democracy, and the stability and prosperity of the countries of the region;

That, in the Declaration on Security in the Americas, the states of the Hemisphere renewed their commitment, reiterated in the Declaration of San Carlos and Declaration of Panama, to fight terrorism and its financing, with full respect for the rule of law and international law, including international humanitarian law, international human rights law, and international refugee law, the Inter-American Convention against Terrorism, and United Nations Security Council resolution 1373 (2001); and

That, in the Declaration of Mar del Plata of the Fourth Summit of the Americas and the Declaration of Nuevo León of the Special Summit of the Americas, the Heads of State and Government agreed to take all necessary steps to prevent and counter terrorism and its financing, in full compliance with their obligations under international law, including international human rights law, international refugee law, and international humanitarian law;

WELCOMING the fact that the Inter-American Convention against Terrorism came into force on July 10, 2003; and that to date 23 countries have ratified it;

CONSIDERING the report of the Meeting of Government Experts to Exchange, from a Human Rights Perspective, Best Practices and National Experiences in Adopting Antiterrorism Measures, held on February 12 and 13, 2004 (CP/CAJP-2140/04);

HAVING RECEIVED the document entitled "Recommendations for the Protection of Human Rights by OAS Member States in the Fight against Terrorism" (CP/doc.4117/06), prepared by the Inter-American Commission on Human Rights (IACHR), which supplements the report of the IACHR on Terrorism and Human Rights of October 22, 2002 (OEA.Ser.L/V/II.116, doc. 5 rev. 1);

REAFFIRMING:

That, in the fight against terrorism, any detained person presumed to be involved in a terrorist act will enjoy the rights and guarantees provided by applicable international law, in particular international human rights law and international humanitarian law;

That the means the state can use to protect its security or that of its citizens in the fight against terrorism should, under all circumstances, be consistent with applicable international law, in particular international human rights law, international humanitarian law, and international refugee law; and

That terrorism cannot and should not be associated with any religion, nationality, civilization, or ethnic group;

RECALLING that, under Article 27 of the American Convention on Human Rights and Article 4 of the International Covenant on Civil and Political Rights, it is recognized that some rights are non-derogable under any circumstances, and that, with respect to rights that may be subject to derogation, states may take measures derogating from their obligations under these Conventions to the extent and, with respect to the American Convention, for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with the other

rights and obligations prescribed under international law; and emphasizing that, in the inter-American system, the protection of non-derogable rights includes essential judicial guarantees for their protection; and

DEEPLY DEPLORING the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

RESOLVES:

1. To reaffirm that the fight against terrorism must be waged with full respect for the law, including compliance with due process and human rights comprised of civil, political, economic, social, and cultural rights, as well as for democratic institutions, so as to preserve the rule of law and democratic freedoms and values in the Hemisphere.

2. To reaffirm that all member states have a duty to ensure that all measures adopted to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law.

3. To urge states, while countering terrorism, to fully comply with their obligations against cruel, inhuman, or degrading treatment or punishment, in particular the absolute prohibition of torture.

4. To call upon states to ensure that their laws criminalizing terrorist conduct and/or activities are accessible, formulated with precision, non-discriminatory, non-retroactive, and in accordance with applicable international law, including human rights law, international humanitarian law, and international refugee law.

5. To urge states to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law.

6. To urge states to comply with safeguards concerning the liberty, security, and dignity of persons and to treat detainees, in all places of detention, in accordance with applicable international law, including human rights law and international humanitarian law.

7. To call upon all member states, with a view to fulfilling the commitments undertaken in this resolution, to consider signing and ratifying, ratifying, or acceding to, as the case may be and as soon as possible, the Inter-American Convention against Terrorism and the American Convention on Human Rights; and to urge the states parties to take appropriate steps to implement the provisions of those treaties.

8. To call upon member states to promote and apply at every level the United Nations Global Counter-Terrorism Strategy and its Plan of Action in order to move toward the common goal of eradicating the scourge of international terrorism, taking into account that one of its mainstays is ensuring respect for human rights while countering terrorism.

9. To request the Inter-American Commission on Human Rights (IACHR) to continue promoting respect for and the defense of human rights and facilitating efforts by member states to comply appropriately with their international human rights commitments when developing and

executing counterterrorist measures, including the rights of persons who might be at a disadvantage, subject to discrimination, or at risk as a result of terrorist violence or counterterrorist initiatives, and to report to the Permanent Council on the advisability of conducting a follow-up study.

10. On the basis of the "Recommendations for the Protection of Human Rights by OAS Member States in the Fight against Terrorism," prepared by the IACHR, and the results of consultations with the Inter-American Committee against Terrorism (CICTE) and the member states, the Permanent Council may consider preparing draft common terms of reference for the protection of human rights and fundamental freedoms in the fight against terrorism, which would compile current international standards and be based on applicable international law and on best practices, for consideration by the General Assembly.

11. To reiterate the importance of intensifying dialogue among CICTE, the IACHR, and other pertinent areas of the Organization, with a view to improving and strengthening their ongoing collaboration on the issue of protecting human rights and fundamental freedoms while countering terrorism.

12. To urge member states to respect, in accordance with their obligations, the human rights of all persons deprived of their liberty in high-security detention centers, particularly observance of due process.

13. To reaffirm that it is imperative that all states work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism.

14. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2416 (XXXVIII-O/08)

PERSONS WHO HAVE DISAPPEARED AND ASSISTANCE
TO MEMBERS OF THEIR FAMILIES

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2295 (XXXVII-O/07) and resolutions on this subject from prior years;

TAKING INTO ACCOUNT that the problem of missing persons and assistance to members of their families is addressed in international humanitarian law and international human rights law within their respective spheres of application, their legal frameworks being distinct;

DEEPLY CONCERNED over the suffering caused both by the disappearance of persons as a result of armed conflict or other situations of armed violence and by forced disappearances;

RECOGNIZING the need to alleviate the anxiety and uncertainty suffered by the relatives of persons who are presumed to have disappeared;

MINDFUL of the need to prevent the disappearance of persons, to ascertain the fate of those who have disappeared, and to respond to the needs of members of their families, both in situations of armed conflict or other situations of armed violence and in cases of forced disappearances;

GUIDED by the four Geneva Conventions of 1949 and the two Additional Protocols of 1977 thereto, the American Declaration of the Rights and Duties of Man of 1948, the American Convention on Human Rights of 1969, the Inter-American Convention on Forced Disappearance of Persons of 1994, the International Convention for the Protection of All Persons from Enforced Disappearance of 2006, and applicable international law;

TAKING INTO ACCOUNT resolution 59/189, "Missing persons," adopted by the United Nations General Assembly on December 20, 2004; resolution 2005/66, "Right to the Truth," adopted by the United Nations Commission on Human Rights on April 20, 2005; resolution 2005/26, "Human Rights and Forensic Science," adopted by the United Nations Commission on Human Rights on April 19, 2005; the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the United Nations General Assembly on December 16, 2005; decision 2/105, "Right to the truth," adopted by the United Nations Human Rights Council in November 2006; resolution 61/155, "Missing persons," adopted by the United Nations General Assembly on December 19, 2006, and resolution 7/28, "Missing Persons," of the United Nations Human Rights Council, of March 28, 2008, and

TAKING INTO ACCOUNT resolution 1 of the 30th International Conference of the Red Cross and Red Crescent, held in Geneva from November 26 to 30, 2007, which urged the members of that Conference to continue and intensify their efforts to address the problem of missing persons and their relatives,

RESOLVES:

1. To urge all parties involved in armed conflict and actors in other situations of armed violence to prevent the disappearance of persons, in accordance with applicable international law.
2. To encourage member states to continue moving forward in preventing the forced disappearance of persons by considering, where appropriate, the adoption of laws, regulations, and/or instructions requiring the establishment of official registries in which records will be kept of all detained persons, among other reasons to allow, as appropriate, family members, other interested persons, judicial authorities, and/or bodies that have a recognized mandate to protect detainees to learn, within a short period of time, of any detention that has taken place, all of the foregoing without interfering with appropriate communications between detainees and their families.
3. To urge member states to step up their efforts to shed light on the fate of persons who have disappeared and, to that end, to ensure that authorities and all mechanisms involved coordinate their work, cooperate among themselves, and complement one another's efforts.
4. To urge member states to maintain, in keeping with their legal and administrative organization, complete birth and death records, and also to establish registries to collect and centralize information on persons presumed to have disappeared.
5. To urge member states to ensure that disappearance cases are impartially investigated by the competent authorities, in accordance with their international obligations and domestic legislation, and that the families of persons presumed to have disappeared are systematically involved in the efforts to clarify what has happened to them.
6. To encourage member states to address as fully as possible the psychological, social, legal, and material needs of the families of presumed victims of disappearances through measures including, where appropriate, provision of periodic information to relatives on the efforts to cast light on the fate of the disappeared and on their whereabouts.
7. To encourage member states to consider enacting, as applicable, domestic laws that recognize the situation of the families of disappearance victims, taking into account the specific needs and particular interests of women heads of household and children, including the consequences of disappearances on property management, child custody, parental rights, and marital status, as well as devising adequate compensation programs.
8. To urge member states to ensure that human remains are treated with due respect and in accordance with national and international practices and standards and legal and ethical standards applicable to the collection, exhumation, and management of unidentified remains, in order to assemble all the information needed to identify them and to ascertain the facts that led to that situation.
9. To encourage member states to take appropriate measures to ensure that the collection, exhumation, and management of human remains and other related procedures are carried out by forensic experts, respecting, if applicable, traditional practices.
10. To urge member states to ensure that fully identified human remains are returned to families and that the respective death certificates are issued.
11. To urge member states to punish those found guilty of violating, in armed conflict and other situations of armed violence, provisions of international human rights law and/or international humanitarian law, within their respective spheres of application, which protect persons from disappearances, in particular, forced disappearances.

12. To urge member states to adopt necessary legislative and/or administrative measures to prevent the unlawful deprivation of freedom.

13. To urge member states to adopt necessary legislative and/or administrative measures to prevent the systematic and deliberate denial of information exchange among families; obstacles to the provision of information on disappearance victims, in particular regarding identification processes; the illicit withholding of accessible information on a death or its cause and the reasons for or circumstances of a death; the destruction of evidence likely to clarify the fate of a person presumed to be missing; and the pillaging, desecration, or mutilation of the deceased.

14. To urge member states to ensure adequate protection of the personal data gathered in connection with disappeared persons, in accordance with the law.

15. To urge member states to cooperate among themselves in addressing the various aspects of the problem of the disappearance of persons, including in the area of support for families, the search for missing persons, collection, exhumation, and identification of human remains, and mutual assistance in criminal proceedings.

16. To encourage member states to request support from international and civil society organizations to address the problem of the disappearance of persons.

17. To invite member states to continue their cooperation with the International Committee of the Red Cross, a recognized humanitarian institution, in its various areas of responsibility, and to facilitate its work.

18. To urge those member states that have not yet done so to consider signing and ratifying, ratifying, or acceding to, as the case may be, the Inter-American Convention on Forced Disappearance of Persons and the International Convention for the Protection of All Persons from Enforced Disappearance.

19. To urge states, as applicable, to endeavor to carry out the mandates set forth in this resolution on an ongoing basis.

20. To instruct the Permanent Council to follow up on this resolution.

AG/RES. 2417 (XXXVIII-O/08)

INTERNALLY DISPLACED PERSONS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING its resolutions AG/RES. 1971 (XXXIII-O/03), "The Protection of Refugees, Returnees, and Stateless and Internally Displaced Persons in the Americas," AG/RES. 774 (XV-O/85), AG/RES. 838 (XVI-O/86), AG/RES. 951 (XVIII-O/88), AG/RES. 1021 (XIX-O/89), AG/RES. 1039 (XX-O/90), AG/RES. 1040 (XX-O/90), AG/RES. 1103 (XXI-O/91), AG/RES. 1170 (XXII-O/92), AG/RES. 1214 (XXIII-O/93), AG/RES. 1273 (XXIV-O/94), AG/RES. 1336 (XXV-O/95), AG/RES. 1416 (XXVI-O/96), AG/RES. 1504 (XXVII-O/97), AG/RES. 1602 (XXVIII-O/98), AG/RES. 1892 (XXXII-O/02), AG/RES. 2055 (XXXIV-O/04), AG/RES. 2140 (XXXV-O/05), AG/RES. 2229 (XXXVI-O/06), and, especially, resolution AG/RES. 2277 (XXXVII-O/07), "Internally Displaced Persons";

REITERATING the principles established in the Charter of the Organization of American States (OAS) and in the Inter-American Democratic Charter, especially those referred to in its Chapter III, "Democracy, Integral Development, and Combating Poverty";

RECALLING the pertinent rules of international human rights, humanitarian, and refugee law; and recognizing that the protection of internally displaced persons has been reinforced by the definition and consolidation of specific protection standards, in particular the Guiding Principles on Internal Displacement, prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons;

RECALLING ALSO that, according to those guiding principles, internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border";

EMPHASIZING that the states have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address, as appropriate, the causes of the internal displacement problem and to do so, when so required, in cooperation with the international community;

NOTING that several countries in the Hemisphere are using the Guiding Principles on Internal Displacement and including them in the development of national policies and strategies;

TAKING INTO ACCOUNT that internal displacement affects a large number of persons, and that the needs of internally displaced persons, particularly with regard to protection and assistance, must be addressed immediately and comprehensively;

EMPHASIZING the importance of implementing effective policies for preventing and averting forced internal displacement and for protecting and assisting displaced persons during displacement and during return or resettlement and reintegration, including through the implementation of applicable international law; and

UNDERSCORING that to promote enhanced protection for internally displaced persons, comprehensive strategies and lasting solutions are needed, which include, among other aspects, a

free and informed decision by internally displaced persons as to whether to return to their place of origin, to integrate locally in the place where they were displaced, or to resettle elsewhere in the country,

RESOLVES:

1. To urge member states to include, as appropriate, in their sectoral plans, policies, and programs, the special needs of internally displaced persons, especially in the preparation of programs to foster development and fight poverty.

2. To urge member states to consider using the Guiding Principles on Internal Displacement, prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons, as a basis for their plans, policies, and programs in support of such persons, and, in accordance with international law, in support of, *inter alia*, indigenous communities and communities of African descent, and the specific needs of children, women, the elderly, and persons with disabilities.

3. To urge member states, to continue considering the implementation in their domestic law or in their policies referring to all stages of displacement the Guiding Principles on Internal Displacement, which reflect certain aspects of international human rights law and international humanitarian law.

4. In order to avert the internal displacement of persons, to encourage member states to address the factors that cause it and to establish preventive policies, such as early warning, bearing in mind that dialogue with all the actors involved is essential to the achievement of lasting solutions.

5. To call upon member states to comply with their obligations under applicable international humanitarian law, international human rights law, and refugee law in dealing with internally displaced people, including in the possible prevention of internal displacement.

6. To urge member states, in keeping with their responsibility to internally displaced persons, based on comprehensive strategies and from a human rights perspective, to commit to providing them with protection and assistance during displacement, through competent national institutions; and to invite member states to commit to seeking lasting solutions, including the safe and voluntary return of internally displaced persons and their resettlement and reintegration, whether in their place of origin or in the receiving community.

7. To call upon states, in the care they provide to internally displaced persons in natural and man-made disasters, to protect their human rights through a comprehensive approach to disaster relief and reconstruction, consistent with international human rights law and domestic law, taking into account the Guiding Principles on Internal Displacement.

8. To urge states to work together by fostering the exchange of good practices for the effective protection of the human rights of internally displaced persons as well as in the development and implementation of public policy to prevent displacement.

9. To encourage member states, in dealing with internally displaced people, to consider the Framework on Lasting Solutions for Internal Displacement and the Operational Guidelines on Human Rights and Natural Disasters prepared by the Special Representative of the United Nations Secretary General on Internal Displacement.

10. To appeal to the appropriate agencies of the United Nations and the inter-American system, and to other humanitarian organizations and the international community, to provide support and/or assistance, as requested by states, in addressing the various factors that cause internal displacement, and in assisting persons affected by internal displacement at all stages, where account should be taken of the Guiding Principles on strengthening of the coordination of humanitarian emergency assistance (United Nations General Assembly resolution 46/182).

11. To instruct the Permanent Council to follow up on this resolution as it sees fit.

ACCESS TO PUBLIC INFORMATION: STRENGTHENING DEMOCRACY^{3/}

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (.....) on the status of implementation of resolution AG/RES. 2288 (XXXVII-O/07), "Access to Public Information: Strengthening Democracy";

CONSIDERING that Article 13 of the American Convention on Human Rights provides that "[e]veryone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice";

CONSIDERING ALSO that Article 19 of the Universal Declaration of Human Rights includes the right "to seek, receive and impart information and ideas through any media and regardless of frontiers";

RECALLING that the Plan of Action of the Third Summit of the Americas (Quebec City, 2001) indicates that governments will ensure that national legislation is applied equitably to all, respecting freedom of expression and access to public information by all citizens;

EMPHASIZING that Article 4 of the Inter-American Democratic Charter states that transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy;

NOTING that, in the Declaration of Nuevo León, the Heads of State and Government affirmed that access to information held by the state, subject to constitutional and legal norms, including those on privacy and confidentiality, is an indispensable condition for citizen participation

³. The Bolivarian Republic of Venezuela reaffirms the statement made in the footnote to resolution AG/RES. 2288 (XXXVII-O/07) as we consider that access to public information held by the state should be fully consistent with Article 13 of the American Convention on Human Rights, which establishes that "[e]veryone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice." Venezuela maintains that a democratic system for access to public information should allow all citizens, without exception, to seek, receive, and impart information. A citizen seeking information is consciously and fully exercising the right to access to information, and the state must promote the adoption of legal provisions guaranteeing the exercise thereof. Likewise, on the basis of the principle of equality before the law, the state must guarantee the same right to the poor, the underprivileged, and the socially disadvantaged. Accordingly, it is necessary "[t]o instruct the Inter-American Commission on Human Rights to conduct a study on how the state can guarantee all citizens the right to receive public information, on the basis of the principle of the transparency of information, when it is disseminated through the mass media, in the full exercise of the right to freedom of expression and as an effective means of participation." Along those lines, we underscore the important conclusions and reflections of the special meeting on the right to public information, held on April 28, 2006, within the framework of the OAS, in which it was recognized that the media were responsible for ensuring that citizens receive, without distortions of any type, information provided by the state. Venezuela regrets that a response to the message of the poor has once again been postponed. We share the view of those who claim that refusing to grant the poor and the disadvantaged access to information condemns them to continued social and economic ostracism. Venezuela therefore once again urges the Inter-American Commission on Human Rights to take the initiative and, under the powers granted to it in the Inter-American Convention on Human Rights, to conduct the aforementioned study and report on the results thereof to the General Assembly of the Organization of American States at its next regular session.

and promotes effective respect for human rights, and, in that connection, that they are committed to providing the legal and regulatory framework and the structures and conditions required to guarantee the right of access to public information;

CONSIDERING ALSO that the General Secretariat has been providing support to member state governments in dealing with the topic of access to public information;

NOTING the work accomplished by the Inter-American Juridical Committee (CJI) on this issue, in particular resolution CJI/RES. 123 (LXX-O/07), "Right to Information," attached to which is the report titled "Right to Information: Access to and Protection of Information and Personal Data in Electronic Format" (CJI/doc.25/00 rev. 2);

RECOGNIZING that the goal of achieving an informed citizenry must be rendered compatible with other societal aims, such as safeguarding national security, public order, and protection of personal privacy, pursuant to laws passed to that effect;

RECOGNIZING ALSO that democracy is strengthened through full respect for freedom of expression, access to public information, and the free dissemination of ideas, and that all sectors of society, including the media, through the public information they disseminate to citizens, may contribute to a climate of tolerance of all views, foster a culture of peace, and strengthen democratic governance;

TAKING INTO ACCOUNT the important role civil society can play in promoting broad access to public information;

TAKING NOTE of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR); and of the Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE (Organization for Security and Co-operation in Europe) Representative on Freedom of the Media, the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights, and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression, adopted in 2006;

TAKING NOTE ALSO of the reports of the IACHR Special Rapporteur on Freedom of Expression on the situation of access to information in the Hemisphere for 2003, 2004, 2005, 2006, and 2007;

TAKING NOTE FURTHER of the report on the special meeting of the Committee on Juridical and Political Affairs to promote, impart, and exchange experiences and knowledge with respect to access to public information and its relationship with citizen participation, which received input from experts from the states and civil society representatives, held at OAS headquarters on April 28, 2006 (CP/CAJP-2320/06 add. 2); and of the report of the Special Meeting on Freedom of Thought and Expression, held on February 28 and 29, 2008, which highlighted recent inter-American jurisprudence on access to public information;

RECALLING initiatives taken by civil society regarding access to public information, in particular, the Declaration of Chapultepec, the Johannesburg Principles, the Lima Principles, and the Declaration of the SOCIUS Peru 2003: Access to Information, as well as the outcomes of the Regional Forum on Access to Public Information of January 2004; the Atlanta Declaration and Plan of Action for the Advancement of the Right of Access to Information sponsored by the Carter Center, which address ways of promoting the fulfillment and exercise of the right of access to information; and of the International Seminar on Press, Litigation, and the Right to Public Information, held in Lima, Peru on November 28, 2007;

RECALLING ALSO that the media, the private sector, and political parties can likewise play an important role in facilitating access by citizens to information held by the State;

TAKING INTO ACCOUNT the Report on the Questionnaire regarding Legislation and Best Practices on Access to Public Information (document CP/CAJP-2608/08), which is a contribution to the study of best practices as regards access to public information in the Hemisphere; and

WELCOMING WITH INTEREST the Study of Recommendations on Access to Information, submitted to the Committee on Juridical and Political Affairs on April 24, 2008 (document CP/CAJP-2599/08), a study organized by the Department of International Law pursuant to resolution AG/RES. 2288 (XXXVII-O/07), "Access to Public Information: Strengthening Democracy,"

RESOLVES:

1. To reaffirm that everyone has the freedom to seek, receive, access, and impart information and that access to public information is a requisite for the very exercise of democracy.

2. To urge member states to respect and promote respect for everyone's access to public information and to promote the adoption of any necessary legislative or other types of provisions to ensure its recognition and effective application.

3. To encourage member states, in keeping with the commitment made in the Declaration of Nuevo León and with due respect for constitutional and legal provisions, to prepare and/or adjust their respective legal and regulatory frameworks, as appropriate, so as to provide the citizenry with broad access to public information.

4. Also to encourage member states, when preparing and/or adjusting their respective legal and regulatory frameworks, as appropriate, to provide civil society with the opportunity to participate in that process; and to urge them, when drafting and/or adapting their national legislation, to take into account clear and transparent exception criteria.

5. To encourage member states to take the necessary measures, through their national legislation and other appropriate means, to make public information available electronically or by any other means that will allow ready access to it.

6. To encourage civil society organizations to make information related to their work available to the public.

7. To encourage states to consider, when they are designing, executing, and evaluating their regulations and policies on access to public information, where applicable, with the support of the appropriate organs, agencies, and entities of the Organization, implementing the recommendations on access to public information contained in the Study organized by the Department of International Law and submitted to the Committee on Juridical and Political Affairs on April 24, 2008.

8. To instruct the Permanent Council, in the framework of the Committee on Juridical and Political Affairs to:

- a. Convene in the second half of 2008 a special meeting with the participation of the member states, the General Secretariat, and representatives of civil society to examine the possibility of preparing an Inter-American Program on

Access to Public Information, bearing in mind the recommendations contained in the aforementioned Study.

- b. Update the Report on the Questionnaire regarding Legislation and Best Practices on Access to Public Information (CP/CAJP-2599/08) requesting to that end contributions by member states, the Special Rapporteurship for Freedom of Expression of the IACHR, the Inter-American Juridical Committee, the Department of International Law, the Department of State Modernization and Good Governance of the Secretariat for Political Affairs, interested entities and organizations and civil society representatives.
- c. To include in the study mentioned in the foregoing subparagraph the right of all citizens to seek, receive, and disseminate public information

9. To instruct the Department of State Modernization and Good Governance of the Secretariat for Political Affairs, and to invite the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), to support the efforts of member states that request such support to design, execute, and evaluate their regulations and policies with respect to access by citizens to public information.

10. To instruct the Department of International Law to prepare a study with recommendations on the protection of personal data, using as a basis the contributions of member states, the organs of the inter-American system and of civil society, and the preparatory work done during the special meeting of the CAJP on that subject.

11. To instruct the Special Rapporteurship Freedom of Expression to continue to include in the Annual Report of the IACHR a report on the situation regarding access to public information in the region.

12. To instruct the Inter-American Agency for Cooperation and Development (IACD) to identify new resources to support member states' efforts to facilitate access to public information.

13. To request the Secretary General to report, through the Permanent Council, to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2419 (XXXVIII-O/08)

SUPPORT FOR ENHANCED INTER-REGIONAL COOPERATION
WITH THE AFRICAN UNION (AU)

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

AWARE of the historical bonds and shared experiences which tie together the American and African continents, the fundamental contributions of persons of African descent and their communities in the Americas, and the importance of recognizing and preserving that heritage;

COMMITTED, through regional and inter-regional cooperation, to support states in their efforts to strengthen democratic institutions, values, practices, and governance, to fight corruption, to enhance the rule of law, to bring about the full exercise of human rights, and to reduce poverty, hunger, inequity, and social exclusion;

TAKING INTO ACCOUNT the presentations made during the special meeting of the Permanent Council on December 11, 2002, regarding Western Hemisphere-Africa cooperation, resolution 1631 (2005) of the United Nations Security Council, "Cooperation between the United Nations and regional organizations in maintaining international peace and security," AG/RES. 2016 (XXXIV-O/04), and "Cooperation between the Organization of the American States and the United Nations System, the Central Integration System and the General Secretariat of the Caribbean Community (CARICOM)";

BEARING MIND that, in recognition of racial discrimination against persons of African descent in the Americas, the Inter-American Commission on Human Rights (IACHR) established in February 2005 a Special Rapporteurship on the Rights of Persons of African Descent and on Racial Discrimination;

NOTING the progress achieved by the Working Group to Prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance;

RECALLING the commitments of the inter-American and African systems to the regional promotion and protection of human rights, as reflected in instruments such as the African Charter on Human and Peoples' Rights, the American Declaration of the Rights and Duties of Man, and the American Convention on Human Rights;

RECOGNIZING that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

CONSIDERING that countries of Africa and the Americas, in the framework of bilateral and multilateral fora, have committed themselves to encourage regional and interregional initiatives to promote democracy, human rights and the rule of law, and to exchange experiences with other regional organizations, including the African Union, in matters of strengthening democracy at regional and interregional levels through the OAS;

AWARE that the 2003 Declaration of Mexico (CIDI/RME/DEC. 4 (III-O/03) adopted by the Ministers of Education of the Hemisphere recognized the importance of raising cultural awareness

and promoting democratic values in present and future generations, especially in education, as a key means for alleviating poverty and fostering greater understanding among peoples; and that the 2008 Declaration of African Union Ministers in Charge of Youth recognized the “role of the African youth in the Diaspora” and the “urgent need to promote African Youth and to enhance youth involvement in the African development agenda”;

RECOGNIZING the value of collaborative sharing of experiences and best practices for the deepening and implementation of the Inter-American Democratic Charter and the African Charter on Democracy, Elections, and Governance (ACDEG), adopted on January 30, 2007;

RECALLING that both the Inter-American Democratic Charter, in Chapter 6, and the African Charter on Democracy, Elections, and Governance, in Chapter 5, affirm the importance of civil society organizations and civic education for the strengthening of democratic culture;

RECALLING ALSO that the Inter-American Democratic Charter, in Chapter III (Democracy, Integral Development, and Combating Poverty), Articles 11 and 12, recognizes that democracy and social and economic development are interdependent, and that “poverty, illiteracy, and low levels of human development are factors that adversely affect the consolidation of democracy”;

CONSIDERING that in July 2007 the African Union established a diplomatic representational mission in Washington, D.C., and that, beginning in 2002, the African Union collaborated with the Western Hemisphere African Diaspora Network to engage with the Diaspora community and persons of African descent;

TAKING NOTE WITH SATISFACTION of the July 10 to 12, 2007, forum entitled “Democracy Bridge: Multilateral Regional Efforts for the Promotion and Defense of Democracy in Africa and America,” which included the participation of senior officials from the African Union and the OAS;

RECALLING that the World Conference on Human Rights reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights. As stated in the Declaration on the Right to Development, the human person is the central subject of development. While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development. Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favorable economic environment at the international level;

REAFFIRMING that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and that, while democracies share common features, there is no single model of democracy;

AWARE that “the effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States” and that one of the essential purposes of the OAS is “[t]o promote and consolidate representative democracy, with due respect for the principle of nonintervention”; and

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere,

RESOLVES:

1. To improve cooperation between the OAS and regional organizations; encourage the adoption, and support the implementation where these exist, of regional democracy charters and cooperative initiatives; and strengthen the capacities of regional organizations through the sharing of best practices, keeping in mind existing bilateral and multilateral cooperation.

2. To express support for deepened cooperation between the African Union and the OAS and, in particular:

a. To express support for the "Declaration of Intent" signed on July 10, 2007 between the General Secretariat of the Organization and the African Union Commission, which calls for future cooperation between the AUC and the General Secretariat of the OAS on areas of common interest to "include *inter alia* democracy promotion", and

b. To urge member states, permanent observers, and other international organizations to strengthen their support for ongoing engagement between the two organizations, such as the sharing of best practices.

3. To request the General Secretariat, in consultation with the African Union Commission, to develop a framework document guiding inter-organizational cooperation in areas of mutual interest, to include *inter alia* democracy promotion, the promotion and protection of human rights, and cooperation for economic and social development, for consideration by the Permanent Council. This framework might include, for example, the exchange of lessons learned and best practices in the area of democracy promotion and human rights, as well as measures to fight hunger and poverty and to promote social inclusion.

4. To encourage the Secretary General to prepare a report for presentation to the Permanent Council noting best practices and challenges for enhanced inter-regional cooperation.

5. To instruct the Permanent Council to convene a second special meeting on cooperation between the Americas and Africa, with the participation of the African diplomatic corps and representatives of the African Union Commission, during the second half of 2008.

6. To request the Permanent Council and the General Secretariat to carry out the activities mentioned in this resolution in accordance with the resources allocated in the program-budget of the Organization and other resources.

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

8. To request the Secretary General to forward this resolution to the Chairperson of the African Union Commission, the Secretary General of CARICOM, the Presidency Pro Tempore of MERCOSUR, the Secretary General of the Andean Community of Nations (CAN), and the United Nations Secretary-General. To consider sending it as well to the Chairman of the Community of Democracies Convening Group.

AG/RES. 2420 (XXXVIII-O/08)

VOLUNTARY CONTRIBUTIONS FOR THE
OPERATIONS OF THE OLIVER JACKMAN FUND
TO FINANCE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN:

Resolution AG/RES. 2329 (XXXVII-O/07), "Establishment of the Oliver Jackman Voluntary Capital Fund to Finance the Inter-American Human Rights System";

Resolution CP/RES. 924 (1623/07), "Regulations for the Operations of the Oliver Jackman Voluntary Capital Fund to Finance the Inter-American Human Rights System";

Resolutions AG/RES. 2075 (XXXV-O/05) and AG/RES. 2220 (XXXVI-O/06), "Strengthening of Human Rights Systems pursuant to the Mandates Arising from the Fourth Summit of the Americas";

Resolutions AG/RES. 2128 (XXXV-O/05) and AG/RES. 2227 (XXXVI-O/06), "Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights," and AG/RES. 1918 (XXXIII-O/03) and AG/RES. 2223 (XXXVI-O/06), "Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights"; and AG/RES. 2292 (XXXVII-O/07), "Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights" and AG/RES. 2290 (XXXVII-O/07), "Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights";

BEARING IN MIND that the Inter-American Democratic Charter states that the member states reaffirm their intention to strengthen the inter-American system for the protection of human rights for the consolidation of democracy in the Hemisphere;

RECALLING that, at the Third Summit of the Americas (Quebec City, Canada, 2001), the Heads of State and Government of the Hemisphere mandated the General Assembly of the OAS at its thirty-first regular session "to consider an adequate increase in resources for the activities of the Commission and the Court in order to improve human rights mechanisms and to promote the observance of the recommendations of the Commission and compliance with the judgments of the Court"; and pledged to continue promoting concrete measures to strengthen and improve the inter-American human rights system, in particular the functioning of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights (IACHR), focusing, *inter alia*, on substantially increasing resources to maintain ongoing operations, including the encouragement of voluntary contributions, examining the possibility that the Court and the IACHR will function permanently;

CONSIDERING:

That the inter-American human rights system has been recognized universally for its work to develop jurisprudence for the protection of human rights, for its efficacy in promoting and protecting human rights in the Hemisphere, and for its contribution to strengthening national human rights systems and the rule of law;

That the system's achievements in the promotion of human rights have prompted a significant increase in users and that, therefore, its ability to respond can be jeopardized if its funding is not adjusted to its needs;

That in the quest for substantive solutions that will ensure the proper functioning and sustainability of the system, the Oliver Jackman voluntary capital specific fund was established for the purpose of financing, with the income produced by capital contributions, the operations of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights; and

That it is necessary to explore alternatives for the Fund's operations, thereby ensuring its viability and effectiveness,

RESOLVES:

1. To recognize the efforts of the Secretary General to raise specific funds to strengthen the human rights system.
2. To urge the member states to make voluntary contributions in order to start operating the "Oliver Jackman Fund," as a sign of their commitment to democracy, development, and human rights in the Hemisphere.
3. To instruct the Secretary General, as part of his efforts to raise external resources, prior to December 2008 and through the Secretariat for External Relations to begin a specific campaign to raise funds to strengthen the "Oliver Jackman Fund."

AG/RES. 2421 (XXXVIII-O/08)

STRENGTHENING THE ROLE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS IN THE ORGANIZATION OF AMERICAN STATES

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING the Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights (A/CONF.157/23), which reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights;

RECALLING resolution 2005/74 of the United Nations Commission on Human Rights "National Institutions for the Promotion and Protection of Human Rights," as well as the Report of the United Nations Organization Secretary-General on national institutions for the promotion and protection of human rights presented to the seventh session of the United Nations Human Rights Council (A/HRC/7/69);

RECALLING resolution AG/RES. 2345 (XXXVII-O/07), in which the General Assembly encouraged "the governments and organs to promote the establishment of forums for dialogue between the institutions of the kind to which this resolution refers and the pertinent organs of the inter-American system, in order to strengthen their contribution to the democratic order in the hemisphere";

WELCOMING the decisions of a growing number of states to establish national institutions for the promotion and protection of human rights in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights "Paris Principles," adopted by the United Nations General Assembly (resolution 48/134);

CONVINCED of the important role of the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC) in assessing conformity with the Paris Principles;

RECALLING the commitment of member states in the 2001 Quebec City Plan of Action of the Summit of the Americas to strengthen the capacity of national human rights institutions, and to contribute to the successful establishment of the Network of national institutions for the promotion and protection of human rights of the Hemisphere;

RECOGNIZING the important contributions national institutions for the promotion and protection of human rights accredited by the ICC can make to work of the Organization of American States in the promotion of human rights;

RESOLVES:

1. To welcome the efforts of the Network of national institutions for the promotion and protection of human rights of the Americas ("Network of the Americas") to strengthen cooperation among member institutions as well as with the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC) and other human rights bodies.

2. To facilitate, once the appropriate administrative and procedural requirements are in place, the participation of all national institutions for the promotion and protection of human rights

from member states, including those accredited by the ICC the Network of the Americas, in the human rights activities of the organs, agencies and entities of the Organization of American States, in particular, *inter alia*, by:

- a. Promoting opportunities for national institutions for the promotion and protection of human rights to share experiences, advice, and best practices, and to collaborate with member states, organs, agencies, and entities of the Organization; and
- b. Allowing national institutions for the promotion and protection of human rights, the ICC, and the Network of the Americas to participate, contribute, and to submit information and documentation under human rights related agenda items of the Organization.

3. To request the Permanent Council to prepare a report, for the implementation of this resolution, and, after discussion by the member states, to present it to the General Assembly at its thirty-ninth regular session, including administrative and procedural considerations, the execution of which shall be subject to the availability of financial resources allocated in the program-budget of the Organization and other resources.

AG/RES. 2426 (XXXVIII-O/08)

ESTABLISHMENT OF THE "LEGAL ASSISTANCE FUND OF
THE INTER-AMERICAN HUMAN RIGHTS SYSTEM"

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN:

Resolutions AG/RES. 2075 (XXXV-O/05), "Strengthening of Human Rights Systems pursuant to the Plan of Action of the Third Summit of the Americas," and AG/RES. 2220 (XXXVI-O/06), "Strengthening of Human Rights Systems pursuant to the Mandates Arising from the Fourth Summit of the Americas"; and

Resolutions AG/RES. 2128 (XXXV-O/05) and AG/RES. 2227 (XXXVI-O/06), "Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights," and AG/RES. 1918 (XXXIII-O/03), and AG/RES. 2223 (XXXVI-O/06), "Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights";

BEARING IN MIND:

That the Charter of the Organization of American States (OAS) proclaims as one of the principles of the Organization respect for the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

That Article 44 of the American Convention on Human Rights establishes that any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a state party;

That since 2001, when amendments were made to the rules of the organs of the inter-American human rights system, Article 23 of the Rules of Procedure of the Inter-American Court of Human Rights has granted *jus standi* to victims in the Court's proceedings;

RECALLING that at the Third Summit of the Americas, held in Quebec, Canada in 2001, the Heads of State and Government of the Americas pointed to the need to continue promoting concrete measures to strengthen and improve the inter-American human rights system, particularly facilitation of the access of persons to this protection mechanism;

CONSIDERING:

That there are a significant number of low-income victims who have no real access to the inter-American human rights system, given the considerable cost involved in litigation in that system;

That the purpose of the inter-American human rights system is to promote and protect the human rights of all the inhabitants of the Hemisphere, without exception; and

That member states should seek to support and strengthen mechanisms for access to the organs of the system by alleged victims and petitioners,

RESOLVES:

1. To request the Secretary General to establish a specific voluntary contributions fund to be called the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM."

2. To agree that:

- a. The purpose of the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" is to facilitate access to the inter-American human rights system by persons who currently lack the resources needed to bring their case before the system;
- b. Financial management of the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" shall be entrusted to the General Secretariat of the Organization of American States and its financing and operations shall be governed by Rules of Procedure adopted in the Permanent Council, which shall contain clear accountability procedures;
- c. Approval of legal assistance shall be decided by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights (IACHR), as the case may be, in accordance with regulations that each of these institutions shall issue to that end; and
- d. The "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" shall have two separate accounts, named (i) Inter-American Court of Human Rights and (ii) Inter-American Commission on Human Rights. Contributions made to each of these two bodies in the system shall be deposited in the appropriate account. Contributions made without specifying which body they are for shall be construed as contributions to be split equally between the two.

3. To invite the member states, permanent observers, and other donors, as defined by Article 74 of the General Standards to Govern the Operations of the General Secretariat and other rules and regulations of the Organization, to contribute to the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM," as an effective manifestation of commitment to the protection of human rights in the Hemisphere.

4. To urge the international financial agencies to contribute to the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" as a demonstration of their commitment to democracy, development, and human rights in the Hemisphere, or to assist efforts to obtain such contributions.

5. To recall that the operation of the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" does not exonerate the OAS from its obligation to guarantee funding of the inter-American human rights system with resources from the Regular Fund.

6. To specify that contributions to the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" shall not preclude other voluntary contributions or the establishment of other specific funds to finance the operations of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights or programs run by those institutions, or the Oliver Jackman Fund.

7. That the "LEGAL ASSISTANCE FUND OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM" shall take effect once the Permanent Council has adopted its Rules of Procedure, after consulting the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, taking into account the observations made by civil society.

8. To request the General Secretariat to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2429 (XXXVIII-O/08)

HUMAN RIGHTS AND CLIMATE CHANGE IN THE AMERICAS

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

CONSIDERING that the international community has recognized the adverse effects of climate change at the international level, principally in the United Nations Framework Convention on Climate Change and the Kyoto Protocol thereto;

RECOGNIZING the autonomy and independence of the process of the United Nations Framework Convention on Climate Change and the Kyoto Protocol thereto, as the principal forum for consideration of the subject of climate change; and reaffirming the principles of the United Nations Framework Convention on Climate Change set forth in its Article 3.

BEARING IN MIND that in the Declaration of Santa Cruz + 10, the Ministers and High Level Authorities responsible for the Sustainable Development of the Americas reiterate "that human beings are at the center of concerns for sustainable development, that they are entitled to a healthy and productive life in harmony with nature, and that poverty alleviation is an integral part of sustainable development.";

TAKING INTO ACCOUNT:

The findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) on the adverse effects of climate change, in connection, inter alia, to flooding risks and the dangers of sea level rise;

That the adverse effects of climate change might generate a negative impact on the enjoyment of human rights;

BEARING IN MIND ALSO:

The Declaration of Santa Cruz + 10 of the First Inter-American Meeting of Ministers and High-Level Authorities on Sustainable Development, adopted in Santa Cruz, Bolivia, on December 5, 2006;

The Inter-American Program for Sustainable Development (2006-2009) (PIDS), adopted on the same occasion;

The American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), and other related human rights instruments; and

The Vienna Declaration and Programme of Action of the World Conference on Human Rights;

RECALLING:

That its resolution AG/RES. 1674 (XXIX-O/99), "Climate Change in the Americas," instructed the Inter-American Council for Integral Development (CIDI), through its appropriate subsidiary bodies, to consult with member states on the ways of addressing climate change in the Americas within the OAS;

That in its resolution AG/RES. 1682 (XXIX-O/99), "OAS Natural Disaster Reduction and Response Mechanisms," the member states established the Inter-American Committee for Natural Disaster Reduction (IACNDR) and decided to "promote the exchange of technical and scientific personnel in the area of research into adverse events" that have a harmful socioeconomic and environmental impact on the countries of the Hemisphere;

That its resolution AG/RES. 1736 (XXX-O/00), "The Socioeconomic and Environmental Impacts of Climate Change on the Countries of the Hemisphere," instructed the General Secretariat to seek to mobilize resources to assist member states in their efforts to adapt to climate change; and

That its resolution AG/RES. 1821 (XXXI-O/01), "The Socioeconomic and Environmental Impacts of Climate Change on the Countries of the Hemisphere," renewed its instruction to the Inter-American Council for Integral Development (CIDI) to keep this topic under review and instructed the Inter-American Agency for Cooperation and Development (IACD) to continue working with the General Secretariat to mobilize and obtain resources to assist member states in their efforts to mitigate the impact of climate change;

BEARING IN MIND its resolutions AG/RES. 1819 (XXXI-O/01), "Human Rights and the Environment"; and AG/RES. 1896 (XXXII-O/02) and AG/RES. 1926 (XXXIII-O/03), "Human Rights and the Environment in the Americas";

TAKING INTO ACCOUNT:

That the United Nations Commission on Human Rights adopted resolution 2005/60, "Human rights and the environment as part of sustainable development"; and

That the United Nations Human Rights Council adopted resolution 7/23, "Human rights and climate change";

CONSIDERING:

The importance of the cooperation activities carried out within the OAS to enable the most vulnerable states and populations to become more resilient to climate change, helping states in their efforts to adapt to climate change and provide natural disaster relief;

The commitments made by the Heads of State and Government to sustainable development, climate change, environmental protection, and protection of human rights in the region, as established in the Declarations and Plans of Action of the Summits of the Americas process at its four regular and two specialized summits;

The Declaration of Barbados and the Programme of Action for the Sustainable Development of Small Island Developing States, as well as the five-year review conducted at the United Nations in September 1999; and

The pertinent provisions of the declarations, resolutions, and programs of action adopted by major United Nations conferences, in particular the Rio Declaration on Environment and Development, the program known as Agenda 21, and the Johannesburg Declaration on Sustainable Development and its Plan of Implementation, with special emphasis on the consensus positions reached and the commitments made in the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Buenos Aires Plan of Action and Program of Work on adaptation and response, the Nairobi Work Program on impacts, vulnerability and adaptation to climate change and the Bali Action Plan,

EMPHASIZING:

That economic and social development and environmental protection are interdependent pillars of sustainable development and that poverty eradication is a fundamental goal thereof;

That climate change is a shared concern of all humankind, and that its effects have an impact on sustainable development and could have consequences for the full enjoyment of human rights;

MINDFUL of the need for support from within the Organization for the efforts of member states in this area;

RESOLVES:

1. To reaffirm the commitment made in the various instruments, resolutions, and declarations on human rights, sustainable development, and climate change in the framework of the Organization of American States.

2. To pursue and step up the efforts being made from within the OAS to counter the adverse effects of climate change, and to build resilience and the capacity to adapt to the phenomenon of climate change among vulnerable states and populations.

3. To express an interest in the progress made in other spheres, in the global efforts to face climate change, with regard to the exploration of possible links between climate change and human rights.

4. To instruct the Inter-American Commission on Human Rights (IACHR), with support from the General Secretariat, through the Executive Secretariat of the IACHR and the Department of Sustainable Development, to contribute, within its capacities, to the efforts to determine the possible existence of a link between adverse effects of climate change and the full enjoyment of human rights, seeking coordination to that end with the United Nations Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, and in consultation with the member states, the Intergovernmental Panel on Climate Change (IPCC), and the OAS Department of Sustainable Development.

5. To invite interested states to contribute to this process.

6. Also to invite civil society organizations to consider the possibility of providing inputs for the purposes envisaged in operative paragraph 2 of this resolution, in accordance with the Guidelines for Participation by Civil Society Organizations in OAS Activities.

7. To request the Permanent Council and the Permanent Executive Committee of the Inter-American Council for Integral Development (CEPCIDI), with support from the General Secretariat and the Executive Secretariat of the IACHR, to report to the General Assembly at its

thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization.

AG/RES. 2430 (XXXVIII-O/08)

PROTOCOL OF SAN SALVADOR:
COMPOSITION AND FUNCTIONING OF THE WORKING GROUP TO EXAMINE
THE PERIODIC REPORTS OF THE STATES PARTIES

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.4698/07 corr. 2) and resolutions AG/RES. 2074 (XXXV-O/05), AG/RES. 2178 (XXXVI-O/06), and AG/RES. 2262 (XXXVII-O/07);

CONSIDERING the provisions of the American Convention on Human Rights, Chapter III of which refers to economic, social, and cultural rights;

UNDERSCORING the entry into force, in November 1999, of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador," and its ratification by 14 member states of the Organization of American States (OAS);

RECALLING that both the American Convention and the Protocol of San Salvador recognize that the essential rights of an individual are not derived from one's being a national of a certain state, but are based upon attributes of the human person;

RECALLING ALSO that, in Article 19 of the Protocol of San Salvador, the states parties undertake to submit, pursuant to the provisions of that article and the corresponding rules to be formulated for that purpose by the OAS General Assembly, periodic reports on the progressive measures they have taken to ensure due respect for the rights set forth in said Protocol;

TAKING INTO ACCOUNT that resolution AG/RES. 2074 (XXXV-O/05) adopted the "Standards for the Preparation of Periodic Reports pursuant to Article 19 of the Protocol of San Salvador," that resolution AG/RES. 2178 (XXXVI-O/06) instructed the Permanent Council to make proposals as soon as possible, through the Committee on Juridical and Political Affairs, on the composition and functioning of the working group established to examine the national reports in accordance with the Standards, and that resolution AG/RES. 2262 (XXXVII-O/07) approved the composition and functioning of the Working Group to examine the national reports;

TAKING NOTE of the preliminary document entitled "Guidelines for Preparation of Progress Indicators in the Area of Economic, Social, and Cultural Rights" (CP/doc.4250/07), presented to the Permanent Council by the Inter-American Commission on Human Rights (IACHR) in November 2007, in accordance with the mandate issued in resolution AG/RES. 2262 (XXXVII-O/07);

BEARING IN MIND the progress report presented by the IACHR in April 2008 and the Commission's stated intention to adopt a proposal on progress indicators at its regular session in July 2008; and

RECOGNIZING that the Plan of Action of the Fourth Summit of the Americas (Mar del Plata, Argentina, 2005) urged the member states to consider signing and ratifying, or acceding to, as the

case may be, the Protocol of San Salvador, and to collaborate in the development of progress indicators in the area of economic, social, and cultural rights,

RESOLVES:

1. To reiterate the request to the Inter-American Commission on Human Rights to continue its work aimed at proposing to the Permanent Council, no later than August 2008, the progress indicators to be used for each group of protected rights on which information is to be provided, taking into account, *inter alia*, the contributions of the Inter-American Institute of Human Rights and of the member states. The Permanent Council will consider and possibly adopt those progress indicators during the second half of 2008.

2. To reiterate the importance of promptly establishing the Working Group to examine national reports, which is to begin its work with the consideration and adoption of its Rules of Procedure.

3. To delegate to the Permanent Council the choice of the government experts comprising the aforementioned Working Group and to authorize the Secretary General to appoint the independent expert and his or her alternate at the same time.

4. To reiterate that the time periods envisaged in resolution AG/RES. 2074 (XXXV-O/05) for submission of the national progress reports to be presented by the states parties to the Protocol of San Salvador will not begin to run until the progress indicators have been approved.

5. To create a specific fund of voluntary contributions managed by the General Secretariat called the "Specific Fund for the Working Group to Examine the Periodic Reports of the States Parties to the Protocol of San Salvador" to supplement financing for the activities of the Working Group and its Technical Secretariat and in accordance with Article 74 of the General Standards to Govern the Operations of the General Secretariat of the Organization.

6. To urge 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."

7. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources.

AG/RES. 2433 (XXXVIII-O/08)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

RECALLING its resolutions AG/RES. 1270 (XXIV-O/94), AG/RES. 1335 (XXV-O/95), 1408 (XXVI-O/96), AG/RES. 1503 (XXVII-O/97), AG/RES. 1565 (XXVIII-O/98), AG/RES. 1619 (XXIX-O/99), AG/RES. 1706 (XXX-O/00), AG/RES. 1709 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1904 (XXXII-O/02), AG/RES. 1944 (XXXIII-O/03), AG/RES. 2052 (XXXIV-O/04), AG/RES. 2127 (XXXV-O/05), AG/RES. 2226 (XXXVI-O/06), AG/RES. 2231 (XXXVI-O/06), and AG/RES. 2293 (XXXVII-O/07);

RECALLING ALSO that, under the Charter of the Organization of American States (OAS) and pursuant to all applicable provisions of international humanitarian law and international human rights law within their respective spheres of application, human rights and fundamental freedoms must always be respected, including in situations of armed conflict;

DEEPLY CONCERNED about the persisting violations of international humanitarian law that continue to cause suffering to all victims of armed conflict;

ACKNOWLEDGING the Report of the Secretary-General of the United Nations General Assembly pursuant to the mandate in United Nations General Assembly resolution 61/89 of December 6, 2006, entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms," and the work done by the group of governmental experts, within that framework and pursuant to the mandate of the same resolution, to seek the views of member states on the feasibility, scope, and parameters of a broad, legally binding draft instrument on the trade in conventional weapons;

RECALLING that it is the obligation of all member states, in all circumstances, to respect and ensure respect for the 1949 Geneva Conventions, and that the principles set forth therein are also binding on all parties to an armed conflict;

CONSIDERING that international humanitarian law contains provisions that reflect customary international law which states must observe;

EMPHASIZING that in cases of serious violations of international humanitarian law constituting crimes under international law, states have the duty to investigate, and if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations, and if said person is found guilty, the duty to punish him/her, in order to prevent impunity and future violations;

EMPHASIZING ALSO the obligation of states to take all necessary measures, including, when applicable, penal sanctions, for the suppression of other breaches;

UNDERSCORING the need to strengthen the rules of international humanitarian law by means of their universal acceptance, their broader dissemination, and the adoption of national measures for their application;

NOTING WITH SATISFACTION the universal adoption of the four 1949 Geneva Conventions on the protection of victims of war, to which 194 states are parties to date;

RECALLING that 33 and 32 OAS member states, respectively, are parties to Additional Protocols I and II of 1977, respectively;

URGING member states to become parties to Additional Protocol III to the Geneva Conventions of 1949, which was adopted in 2005 and has been in force since 2007, regarding the adoption of the Red Crystal as an additional distinctive emblem to the Red Cross and Red Crescent, taking into account that several states in the region have already done so;

RECALLING ALSO that 11 member states have issued the declaration envisioned in Article 90 of Additional Protocol I, of 1977, on recognition of the competence of the International Humanitarian Fact-Finding Commission;

AWARE of the Hemisphere's rich cultural heritage, which contains cultural assets recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as world heritage, and which could benefit from the systems for the promotion and protection of international humanitarian law;

RECALLING that the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on December 20, 2006, by the General Assembly of the United Nations, requires 20 ratifications to enter into force;

NOTING all of the international efforts under way to promote international instruments, including the possibility of their being legally binding, on the development, use, production, transfer, and stockpiling of cluster munitions;

RECALLING the 10th anniversary of the signing of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, on December 3 and 4, 1997;

RECOGNIZING the important advisory work of the national committees or commissions on international humanitarian law in support of the efforts of states in the area of promotion of and respect for that law through the adoption of national enacting measures, and that 17 member states of the Organization have such organizations;

NOTING the final declaration and the six resolutions adopted by the 30th International Conference of the Red Cross and Red Crescent, entitled "Together for Humanity," held on November 26 to 30, 2007; and the commitments made by the states of the Americas participating in the Conference;

NOTING ALSO the results achieved at the following meetings in which representatives of member states and OAS officials took part:

- a. The meetings of the Group of Government Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) of 1980, held in Geneva from January 14 to 18, 2008 and April 7 to 11, 2008;
- b. The various conferences on cluster munitions, held in Lima, Peru from May 23 to 25, 2007; in Vienna, Austria from December 5 to 7, 2007; in Wellington, New Zealand,

from February 18 to 22, 2008; and the Diplomatic Conference for the Adoption of a Cluster Munitions Convention, held in Dublin, Ireland, from May 19 to 30, 2008, following up on the process that began with the Oslo (Norway) Conference on Cluster Munitions, on February 22 and 23, 2007;

- c. The Regional Seminar for Latin America and the Caribbean on Ensuring the Universality of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) of 1980, held in Santo Domingo on March 11 and 12, 2008;
- d. The First Latin American Regional Conference on Cluster Munitions, held in San José, Costa Rica, on September 4 and 5, 2007, and the Latin American and Caribbean Regional Conference on Cluster Munitions, held in Mexico, on April 16 and 17, 2008;
- e. The Regional Meeting of Governmental Experts on the Application of International Humanitarian Law in the Americas, held in Mexico City, on August 6 and 7, 2007; and
- f. The Meeting of Legislators of the Central American Region, Mexico, Panama, and the Dominican Republic on the Integration of the War Crimes of International Criminal Law in Commemoration of the XXX Anniversary of the Additional Protocols of 1977 to the Geneva Conventions of 1949, celebrated in San Jose, Costa Rica, on June 7 and 8, 2007;

WELCOMING the regional presentation of the International Committee of the Red Cross Study on Customary International Humanitarian Law, which took place on Bogotá, Colombia, in March 2008; and

EMPHASIZING the special role of the International Committee of the Red Cross (ICRC) as a neutral, impartial, and independent institution working to protect and assist the victims of armed conflicts and other situations of armed violence, as well as to promote respect for international humanitarian law and the principles underlying it,

RESOLVES:

1. To urge member states and the parties engaged in armed conflict to honor their obligations under international humanitarian law, including those pertaining to safeguarding the well-being and dignity of protected persons and property, and the proper treatment of prisoners of war.

2. To urge those member states that have not yet done so to consider becoming parties to the following treaties, among others:

- a. The Convention for the Protection of Cultural Property in Time of Armed Conflict (Hague Convention, 1954), and its 1954 and 1999 Protocols;
- b. The 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity;
- c. The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention);

- d. The 1977 Protocols I and II Additional to the Geneva Conventions of 1949, as well as the 2005 Protocol Additional III; including the declaration contained in Article 90 of Protocol Additional I;
- e. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) of 1980, including the amendment to Article 1 thereof adopted in 2001, and the five protocols thereto;
- f. The 1989 Convention on the Rights of the Child and the 2000 Optional Protocol thereto on the involvement of children in armed conflict;
- g. The 1993 Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (Chemical Weapons Convention);
- h. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;
- i. The 1998 Rome Statute of the International Criminal Court;
- j. The 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA);
- k. The 1999 Inter-American Convention on Transparency in Conventional Weapons Acquisitions; and
- l. The Convention on the Safety of United Nations and Associated Personnel.

3. To invite member states to bring about the widest possible dissemination of the rules of international humanitarian law, in particular by incorporating them into military doctrine and manuals, so that armed forces will have the means and mechanisms necessary for their effective application; and by making use of the pertinent media so that such law may be familiar to the civilian population.

4. To urge member states to adapt their criminal law in order to meet their legal obligations under the 1949 Geneva Conventions and, in the case of the states parties thereto, the 1977 Additional Protocol I thereto with respect to the definition of war crimes, the universal jurisdiction for these grave breaches, and the responsibility of superiors for the acts of their subordinates.

5. Also to urge member states that have not yet done so to adopt, in accordance with their internal law and pursuant to international law, legislative or other measures necessary to establish non-applicability of statutory limitations to the most serious violations of international humanitarian law constituting crimes under international law.

6. To invite member states that are parties to the Rome Statute to cooperate fully with the International Criminal Court and to define under their criminal law the crimes that are within its jurisdiction.

7. To call upon member states to enact laws to regulate the use of and to prevent and, when applicable, punish the misuse of the red cross, red crescent, and, where applicable, red crystal emblems, as well as their denominations, as established in relevant treaties.

8. To urge member states, in keeping with their obligations under international law, to adopt effective measures to prevent the disappearance of persons in cases of armed conflict or other situations of armed violence, to determine the fate of those who have disappeared, and to attend to the needs of their family members.

9. To encourage member states to ensure the adoption of the necessary measures and mechanisms to protect cultural property from the effects of armed conflict, in accordance with their international obligations, and in particular to give consideration to the adoption of preventive measures related to the preparation of inventories, the planning of emergency measures, the appointment of competent authorities, and the enactment of laws to ensure respect for such property.

10. To remind those member states that are parties to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of their obligation to prevent and suppress any activity prohibited therein when it is carried out by persons or in territory under their jurisdiction or control and of the importance of addressing the needs of victims of antipersonnel mines and, where appropriate, victims of explosive remnants of war, considering, as part of those needs, medical care, rehabilitation, and economic and social reintegration of the victims.

11. To urge member states to adopt legislative and other measures, including criminal legislation, to strengthen national institutions and coordination among national institutions, and regional and subregional cooperation, on implementation of the 1925 Geneva Protocol, 1972 Biological Weapons Convention, and 1993 Chemical Weapons Convention, *inter alia* by adopting or developing codes of conduct and of professional ethics for the scientific and industrial community, with the aim of preventing misuse in the context of advances in bio-science and bio-technology research and considering national, regional, and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.

12. To call upon member states to adopt all necessary measures to comply with their respective international legal obligations regarding the recruitment and use of children in armed forces or armed groups and to prevent their participation in hostilities, in accordance with recognized standards of international humanitarian law, international human rights law, and international refugee law.

13. To invite member states to step up their efforts to strengthen safeguards for civilians against the use and indiscriminate effects of arms and munitions in general, especially through the enactment of laws aimed at strengthening control over the illicit manufacturing of and trafficking in firearms and other related materials.

14. To invite member states to consider becoming parties to the Convention on Cluster Munitions, adopted at the Dublin Conference on May 28, 2008, which will be open to signature from December of this year in Oslo, and to continue participating in other processes in addressing the development, use, stockpiling, production, and transfer of cluster munitions, and on assistance to victims and the removal of such munitions to lessen their impact on civilian populations.⁴

⁴ Footnote from the Delegation of Brazil: Brazil supports all initiatives aimed at strengthening already existing provisions in international humanitarian law that regulate the use of arms and the distinction between military and civilian

15. To encourage member states to establish procedures for determining, when studying, developing, acquiring, or adopting a new weapon or new means or methods of warfare, whether using, manufacturing, stockpiling, exporting, or transferring them would be contrary to international humanitarian law, and, in that event, to prohibit their use by the armed forces and their manufacture for such purposes. Additionally, in such cases to take into account the international obligations assumed, as indicated in paragraph 11.

16. To encourage interested member states to continue to support the work of the Group of Governmental Experts established by United Nations General Assembly resolution 61/89, of December 6, 2006, so that it may continue to advance the study and negotiation of a broad and binding draft instrument for the establishment of common international norms on the import, export, and transfer of conventional arms, and to gauge the interest of member states in such an instrument.

17. To invite member states to continue to support the work of national committees or commissions responsible for the dissemination and implementation of international humanitarian law; and to urge states where such bodies do not exist to consider establishing them, as a means of strengthening conflict prevention and the role those bodies play in times of peace.

18. To request the Inter-American Juridical Committee (CJI) to continue working on the preparation of model laws to support the efforts made to fulfill obligations under international humanitarian law treaties, on the basis of priority topics determined in consultation with the member states and the International Committee of the Red Cross; to that end, member states are urged to forward to the CJI as soon as possible a list of such priority topics, to enable the Committee to carry out that mandate.

19. To express its satisfaction over the cooperation between the Organization and the International Committee of the Red Cross in promoting respect for international humanitarian law and the principles that govern that law; and to urge the General Secretariat to continue to strengthen such cooperation.

20. To request the General Secretariat to continue organizing, within the framework of the Committee on Juridical and Political Affairs, through the Office of International Law of the Department of International Legal Affairs, and in coordination with the ICRC, courses and seminars for staff of the permanent missions of the member states to the Organization of American States and for General Secretariat staff and the general public, in order to promote knowledge of and respect for international humanitarian law and related inter-American conventions, including measures for their effective implementation.

21. To instruct the Permanent Council to hold a special meeting with a high-level dialogue component, with support from the Office of International Law of the Department of International Legal Affairs, and in cooperation with the ICRC, on topics of current interest in international humanitarian law, prior to the thirty-ninth regular session of the General Assembly.

22. To invite member states to continue, within the high-level dialogue of the special meeting and in pertinent forums, the discussion of topics of interest, such as the humanitarian

...continuation

targets. As regards cluster munitions, Brazil favors discussion of the topic within the framework of the Convention on Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW).

consequences of cluster munitions, the participation of private sector security firms in armed conflicts, improving the use of national humanitarian law committees, and others.

23. To instruct the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2434 (XXXVIII-O/08)

RIGHT TO FREEDOM OF THOUGHT AND EXPRESSION
AND THE IMPORTANCE OF THE MEDIA

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.xxxx/08);

TAKING INTO ACCOUNT resolution AG/RES. 2237 (XXXVI-O/06) and AG/RES. 2287 (XXXVII-O/07), "Right to Freedom of Thought and Expression and the Importance of the Media";

UNDERSCORING the Declaration of Santo Domingo: Good Governance and Development in the Knowledge-Based Society [AG/DEC. 46 (XXXVI-O/06)], adopted on June 6, 2006;

RECALLING that the right to freedom of thought and expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds, is recognized in Article IV of the American Declaration of the Rights and Duties of Man, Article 13 of the American Convention on Human Rights, the Inter-American Democratic Charter (including Article 4), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international instruments and national constitutions, as well as United Nations General Assembly resolution 59 (I) and resolution 104 of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

RECALLING ALSO that Article IV of the American Declaration of the Rights and Duties of Man states that "[e]very person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever";

RECALLING FURTHER that Article 13 of the American Convention on Human Rights states that:

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice;

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

- a. Respect for the rights or reputations of others; or
- b. The protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or

by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law;

BEARING IN MIND principles 10 and 11 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), of 2000, which refer to the decriminalization of "*desacato*" (offensive expressions directed at public officials);

RECALLING the relevant volumes of the Annual Reports of the IACHR for 2004, 2005, 2006, and 2007 on freedom of expression, as well as the comments by member states during meetings at which said reports were presented;

TAKING INTO ACCOUNT resolutions 2004/42 and 2005/38, "The Right to Freedom of Opinion and Expression," of the United Nations Commission on Human Rights; and

RECALLING the significance of the studies and contributions approved by UNESCO regarding the contribution of the media to strengthening peace, tolerance, and international understanding, to the promotion of human rights, and to countering racism and incitement to war,

RESOLVES:

1. To reaffirm the right to freedom of expression and to call upon member states to respect and ensure respect for this right, in accordance with the international human rights instruments to which they are party, such as the American Convention on Human Rights and the International Covenant on Civil and Political Rights, *inter alia*.

2. To reaffirm that freedom of expression and dissemination of ideas are fundamental for the exercise of democracy.

3. To urge member states to safeguard, within the framework of the international instruments to which they are party, respect for freedom of expression in the media, including radio and television, and, in particular, respect for the editorial independence and freedom of the media.

4. To urge those member states that have not yet done so to consider signing and ratifying, ratifying, or acceding to, as the case may be, the American Convention on Human Rights.

5. To reaffirm that free and independent media are fundamental for democracy and for the promotion of pluralism, tolerance, and freedom of thought and expression; and to facilitate dialogue and debate, free and open to all segments of society, without discrimination of any kind.

6. To urge member states to promote a pluralistic approach to information and multiple points of view by fostering full exercise of freedom of expression and thought, access to media, and diversity in the ownership of media outlets and sources of information, through, *inter alia*,

transparent licensing systems and, as appropriate, effective regulations to prevent the undue concentration of media ownership.

7. To urge member states to consider the importance of including, in their domestic legal systems, rules about the establishment of alternative or community media and safeguards to ensure that they are able to operate independently, so as to broaden the dissemination of information and opinions, thereby strengthening freedom of expression.

8. To call upon member states to adopt all necessary measures to prevent violations of the right to freedom of thought and expression and to create the necessary conditions for that purpose, including ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented.

9. To urge member states to review their procedures, practices, and legislation, as necessary, to ensure that any limitations on the right to freedom of opinion and expression are only such as are provided by law and are necessary for respect of the rights or reputations of others or for the protection of national security, public order (*ordre public*), or public health or morals.

10. To recognize the valuable contribution of information and communication technologies, such as the Internet, to the exercise of the right to freedom of expression and to the ability of persons to seek, receive, and impart information, as well the contributions they can make to the fight against racism, racial discrimination, xenophobia, and related and contemporary forms of intolerance, and to the prevention of human rights abuses.

11. To request the Inter-American Commission on Human Rights once again to follow up on and deepen its study of the issues addressed in the relevant volumes of its 2004, 2005, 2006, and 2007 Annual Reports on freedom of expression, on the basis, *inter alia*, of the inputs on the subject that it receives from member states.

12. To invite member states to consider the recommendations concerning defamation made by the Office of the Special Rapporteur for Freedom of Expression of the IACHR, namely by repealing or amending laws that criminalize *desacato*, defamation, slander, and libel, and, in this regard, to regulate these conducts exclusively in the area of civil law.

13. To reiterate to the Permanent Council that, through its Committee on Juridical and Political Affairs, it is to hold a special two-day meeting to delve further into the existing international jurisprudence on the subject covered in Article 13 of the American Convention on Human Rights and include the following items on the agenda of that meeting:

- a. Public demonstrations as exercise of the right to freedom of expression; and
- b. The subject of Article 11 of the American Convention on Human Rights.

Invitees to the aforementioned meeting will include members of the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, including the Special Rapporteur for Freedom of Expression, and experts from the member states, all for the purpose of sharing their experiences with these issues.

14. To take into consideration the findings of, and views expressed at, the Special Meeting on Freedom of Thought and Expression, held on February 28 and 29, 2008, in the framework of the Committee on Juridical and Political Affairs; and to request the Special Rapporteur of the IACHR to report on the conclusions and recommendations issued by the experts at that special meeting, in order to follow up on the matter.

15. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2435 (XXXVIII-O/08)

HUMAN RIGHTS, SEXUAL ORIENTATION, AND GENDER IDENTITY

(Adopted at the fourth plenary session, held on June 3, 2008)

THE GENERAL ASSEMBLY,

REAFFIRMING:

That the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status;

That the American Declaration of the Rights and Duties of Man establishes that every human being has the right to life, liberty, and the security of the person;

CONSIDERING that the OAS Charter proclaims that the historic mission of America is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations;

REAFFIRMING the principles of universality, indivisibility, and interdependence of human rights; and

TAKING NOTE with concern acts of violence and related human rights violations perpetrated against individuals because of their sexual orientation and gender identity,

RESOLVES:

1. To express concern about acts of violence and related human rights violations committed against individuals because of their sexual orientation and gender identity.
2. To request that the Committee on Juridical and Political Affairs (CAJP) include on its agenda, before the thirty-ninth regular session of the General Assembly, the topic of "Human rights, sexual orientation, and gender identity."
3. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the resources allocated in the program-budget of the Organization and other resources.