

GENERAL ASSEMBLY



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RESULTS OF THE PROCESS OF REFLECTION ON THE WORKINGS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WITH A VIEW TO STRENGTHENING THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

(Adopted at the plenary session, held on March 22, 2013 and subject to revision by the Style Committee)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Permanent Council on activities carried out pursuant to resolution AG/RES. 2761 (XLII-O/12) (AG/doc.8 (XLIV-E/13);

RECALLING resolution AG/RES. 2761 (XLII-O/12), "Follow-up on the Recommendations Contained in the Report of the Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a View to Strengthening the Inter-American Human Rights System," adopted in Cochabamba, Bolivia, through which it welcomed the report of the Working Group and instructed the Permanent Council, on the basis of the report, to draw up proposals for its application in dialogue with all the parties involved, said proposals would be presented for the consideration of the General Assembly at a special session thereof, to be held no later than the first quarter of 2013;

UNDERSCORING the responsibility, interest, and commitment of the member states with regard to the process of strengthening the inter-American human rights system and the role played to that end by the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, civil society, and other actors and users of the system;

REAFFIRMING the advisability of adapting the inter-American human rights system to the demands arising from its evolution and toward increasingly equitable, effective, and transparent forms of functioning;

RECOGNIZING:

That the Inter-American Commission on Human Rights has made significant efforts and progress in applying the General Assembly recommendations for strengthening the system; and

The progress achieved in the work entrusted by resolution AG/RES. 2761 (XLII-O/12) and aware that this work must be conducted in an ongoing and constant manner in order to succeed in improving the Inter-American Human Rights System,

RESOLVES:

1. To take note of the responses of the Inter-American Commission on Human Rights (IACHR) to the Permanent Council on the recommendations of the “Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a View to Strengthening the Inter-American Human Rights System”, and of the Reform of the Rules of Procedure, Policies and Practice of the Inter-American Commission on Human Rights -Resolution No. 1/2013 adopted by the IACHR on March 18, 2013- (CP/doc.4846/13), and to request that it continue to move forward with their application in accordance with the relevant inter-American legal instruments.

2. To underscore that in the spirit of constant improvement of the Inter-American Human Rights System, and with the participation of all the parties concerned, to instruct the Permanent Council to continue the dialogue on the core aspects for strengthening the IAHRs, bearing in mind all the contributions made by the Member states, the bodies of the IAHRs and civil society throughout the process of reflection as well as the debates during this Special Session of the General Assembly.^{1f}

3. To urge the IACHR, in the framework of its Strategic Plan, to put into practice those recommendations that are pending.

4. To encourage the IACHR to strengthen its efforts in the area of promotion of human rights, including through its support to national systems.

5. To reaffirm its commitment to attain full financing of the inter-American human rights system through the Regular Fund of the Organization of American States (OAS) without prejudice to the financing of the other mandates of the Organization. While that commitment is

1. Guatemala joins the consensus on this resolution and notes for the record its position that the continuation of the dialogue on this paragraph and on the Strategic Plan of the Inter-American Commission on Human Rights and its annual report should take into account fundamental aspects for strengthening the inter-American human rights system and, *inter alia*, it underscores the advisability that the following substantive issues be addressed in a timely manner:

a. Analyze the possibility that the Inter-American Commission on Human Rights have the same headquarters as the Inter-American Court of Human Rights and the Inter-American Institute of Human Rights, so as to strengthen coordination and interaction among these entities in the interests of improving promotion and protection of human rights in the Hemisphere. (Costa Rica agrees with Guatemala on this point.)

b. Analyze the advisability of launching a process whereby the Permanent Council, in conjunction with the institutions of the inter-American human rights system, might draft an additional protocol to the American Convention on Human Rights that would include standards on precautionary measures for the further strengthening and protection of human rights.

c. Analyze the advisability of introducing a rule that commissioners and special/thematic rapporteurs of the Inter-American Commission on Human Rights may only serve for a single term, at the end of which they would submit a final report on their activities for the attention of the Permanent Council, so that, following consideration of the recommendations in those reports, the substantive issues can be strengthened for the next term.

gradually fulfilled, to invite member states, observer states, and other institutions to continue making voluntary contributions, preferably not earmarked, in the framework of the 2010-2015 Guidelines of the Inter-American Court of Human Rights and the 2011-2015 Strategic Plan of the IACHR.^{2/}

6. To request the Secretary General to submit to the Permanent Council as soon as possible a detailed, up-to-date analysis of the full operating costs of the organs of the Inter-American Human Rights System, based on information provided by the IACHR and the Inter-American Court of Human Rights.

7. To propose to the IACHR that, in keeping with the principle of the indivisibility of human rights, it strengthen all its rapporteurships, including by giving consideration to granting special status to all existing rapporteurships, based on adequate financing, without prejudice to its other responsibilities.^{3/}

8. To urge OAS member states to ratify or accede to, as appropriate, all inter-American human rights instruments, especially the American Convention on Human Rights, and to accept, where appropriate, the contentious jurisdiction of the Inter-American Court of Human Rights without prejudice to their obligations under the Charter of the OAS.

2. Guatemala proposes the goal of meeting the commitment to attain full financing of the inter-American human rights system by 2015

3. Guatemala proposes that the possibility be examined that, based on the principle of the universality of human rights, all rapporteurships of the Inter-American Commission of Human Rights be under the leadership of the members of the Commission.