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TENTH REGULAR SESSION
November 19, 1980
Washington, D.C.

OAS/Ser.P
AG/Com.I/doc.22/80 rev.1
27 November 1980
Original: Spanish

FIRST COMMITTEE - JURIDICAL AND POLITICAL MATTERS

ANNUAL REPORT AND SPECIAL REPORTS OF THE INTER-AMERICAN
COMMISSION ON HUMAN RIGHTS

(Draft resolution prepared by the Working Group composed by
the Delegations of Argentina, Barbados, Brasil, Costa Rica,
Chile, El Salvador, United States, Haití, México, Nicaragua,
Perú and Venezuela)

(Topic 21 of the Agenda)

ANNUAL REPORT AND SPECIAL REPORTS OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

HAVING SEEN:

The annual report of the Inter-American Commission on Human Rights (CP/doc.1110/80), the Commission's special reports (AG/CP/doc.254 and 253/80) and the replies of the governments (AG/CP/doc.256 and 259/80 and AG/doc.1261/80); and

CONSIDERING:

That the protection and exercise of human rights is one of the major objectives of the Organization of American States, and their observance is a source of solidarity among the member states and a guarantee of respect for human life and the dignity of man;

That the main goal of the Inter-American Commission on Human Rights (IACHR) is to promote the observance and defense of human rights in all member states;

That a democratic structure is essential to the establishment of a political society where human values can be fully realized;

That in its study of the status of human rights in the hemisphere, the Commission emphasized that the return to representative democracy already under way or completed in certain countries was a positive step;

That the annual report and the special reports of the Inter-American Commission on Human Rights state that the measures taken in certain countries that represent significant contributions to the observance of the rights set forth in the American Declaration of the

Rights and Duties of Man and in the American Convention on Human Rights (Pact of San José, Costa Rica) are a positive sign;

That, nevertheless, the reports also state that a situation persists that is characterized by serious and repeated violations of fundamental rights and freedoms and by the inadequacy or ineffectiveness of the guarantees and means of defense that the national laws of these countries provide;

That the Commission recommends that an immediate end be put to such serious violations of human rights as disappearances of persons, the use of torture, detention without due process, and arbitrary exile.

That Chapter VI of the report of the Inter-American Commission on Human Rights makes reference to economic, social and cultural rights and emphasizes the limitations on the exercise of human rights that are the result of the extreme poverty endured by many segments of the population.

That, in order to reaffirm the importance of the IACHR, to contribute to the effectiveness of its work by preserving its technical independence, to enlist the maximum cooperation of all the Governments and to strengthen the solidarity of the member states, this General Assembly has adopted procedures for the examination of reports on human rights in the Hemisphere, confident that they will help foster the effective promotion and defense of human rights.

THE GENERAL ASSEMBLY,

RESOLVES:

1. To take note of the annual report, which includes consideration of the status of human rights in Chile, El Salvador, Paraguay, and Uruguay and of the special reports on the status of human rights in Argentina and Haiti.

To express its strongest support for the work done by the IACHR and to reaffirm the importance of its reports for the promotion and defense of human rights.

2. To take note of the observations, objections and comments by those governments and of the information on the measures that, on their own initiative, they have freely taken and continue to take to guarantee human rights in their countries, and to emphasize the importance within their own and free initiative, of the adoption of additional measures that pursue like objectives, particularly those that take into account recommendations contained in the reports.

3. To urge the governments of the member states that have not yet done so to adopt and put into practice the necessary measures to preserve and safeguard the full exercise of human rights, especially in those cases that concern the status of individuals detained without due process, the disappearances of persons, the return of exiles and the lifting of states of emergency.

4. To recommend to the member states that, bearing in mind Chapter VI of the annual report of the Commission, they continue to adopt and apply measures and legislative provisions for preserving and maintaining the full exercise of human rights in accordance with the American Declaration of the Rights and Duties of Man.

5. To reaffirm the need to avoid and, where appropriate, to put an immediate end to serious violations of fundamental human rights, especially the rights to life and personal security and freedom, and to reaffirm that summary execution, torture and prolonged detention without due process are, in and of themselves, violations of human rights.

6. To recommend to the member states that have not yet done so that they reestablish or perfect the democratic system of government, in which the exercise of power derives from the legitimate and free expression of the will of the people, in accordance with the particular characteristics and circumstances of each country.

7. To share the Commission's concern in stressing the importance of economic, social and cultural rights in the context of human rights for the integral development of man.

8. To reaffirm that the effective protection of human rights should also extend to social, economic and cultural rights, and, in that regard, to emphasize to the governments of the member states the responsibility of making every possible effort to participate fully in cooperation for hemispheric development since it is a fundamental means of helping alleviate extreme poverty in the Americas, especially that in the most needy countries and regions.

9. To note with satisfaction the decision of the governments of the member states that have invited the Commission to visit their respective countries and to urge the governments of the states that have still not accepted or that have not agreed on a date for that visit to do so as soon as possible.

10. To request the Commission to continue to monitor the status of human rights in such member states as it deems appropriate, and to include its conclusions in its report to the eleventh regular session of the General Assembly, pursuant to the provisions of Article 18 of the Statute of the Commission.

11. To invite the governments of the member states that have not already done so to consider the advisability of signing and/or ratifying the American Convention on Human Rights (Pact of San José, Costa Rica), which has been ratified or acceded to by Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Panama, Peru, and Venezuela.

12. To emphasize the need to put an immediate end, in those countries in which it may occur, to any practice that leads to the disappearance of persons, and also to urge that the necessary efforts be made to determine the status of persons whose disappearance has been reported.

13. To recommend to the governments, in connection with the preceding paragraph, that central records be established to account for all persons that have been detained, so that

their relatives and other interested persons may promptly learn of any arrest that may have been made; also to request that arrests be made only by competent and duly identified authorities, and that the arrested persons be kept in premises designed for that purpose.

14. To urge all the governments to continue to provide the Commission with the necessary cooperation to enable it to accomplish its tasks.