FIFTY-FIRST REGULAR SESSION OEA/Ser.P

November 10 to 12, 2021 AG/doc.5728/21

Guatemala City, Guatemala 5 November 2021

VIRTUAL Original: Spanish

Item 11 on the agenda

DRAFT OMNIBUS RESOLUTION

PROMOTION AND PROTECTION OF HUMAN RIGHTS

(Considered by the Permanent Council at its regular meeting held virtually on November 4, 2021, with the recommendation that the *ad referendum,* in consultation, and pending sections and paragraphs be referred to the General Committee of the General Assembly)[[1]](#footnote-1)/

DRAFT OMNIBUS RESOLUTION

PROMOTION AND PROTECTION OF HUMAN RIGHTS

THE GENERAL ASSEMBLY,

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

RECALLING declarations AG/DEC. 71 (XLIII-O/13) and AG/DEC. 89 (XLVI-O/16), as well as resolution AG/RES. 2961 (L-O/20) and all previous declarations and resolutions adopted on this subject;

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly, October 2020 – November 2021” (AG/doc.xxxx/21), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions under the purview of the CAJP help further the essential purposes of the Organization enshrined in the Charter of OAS,

CONTENTS

[i. “Autonomous official public defenders as a guarantee of access to justice for women in vulnerable situations” 3](#_Toc86771462)

[ii. Human rights defenders 6](#_Toc86771463)

[iii. Rights of children and adolescents – preambular paragraph 4 and operative paragraph 4 pending 8](#_Toc86771464)

[iv. Strengthening the Follow-up Mechanism for Implementation of the Protocol of San Salvador 11](#_Toc86771465)

[v. Human Rights of Older Persons 12](#_Toc86771466)

[vi. Eradication of statelessness in the Americas 14](#_Toc86771467)

[vii. “Situation of People of African Descent in the Hemisphere and Racism” 16](#_Toc86771468)

[viii. “Promotion of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the fight against all forms of discrimination” 18](#_Toc86771469)

[ix. “Protecting human rights in the context of the COVID-19 pandemic” 19](#_Toc86771470)

[x. “Rights of persons deprived of liberty” 20](#_Toc86771471)

[xi. “Protection of asylum seekers and refugees in the Americas” – operative paragraph 5 pending 22](#_Toc86771472)

[xii. “Strengthening of the Inter-American Commission of Women (CIM) for the promotion of gender equity and equality and the rights of women” – *ad referendums* on operative paragraph 2 pending 26](#_Toc86771473)

[xiii. “Strengthening the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)” 29](#_Toc86771474)

[xiv. “Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016–2026 and support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities” 31](#_Toc86771475)

[xv. “Human rights and the environment” / 33](#_Toc86771476)

[xvi. “Human rights and prevention of discrimination and violence against LGBTI persons” 34](#_Toc86771477)

[xvii. “Observations and recommendations on the 2020 annual reports of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights” 37](#_Toc86771478)

[xviii. “Strengthening follow-up on recommendations of the Inter-American Commission on Human Rights” 38](#_Toc86771479)

[xix. “Follow-up on the American Declaration on the Rights of Indigenous Peoples and on the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017–2021)” / 39](#_Toc86771480)

[xx. “Universal civil registry and the right to identity” 41](#_Toc86771481)

[xxi. “The Power of Inclusion and the Benefits of Diversity” 43](#_Toc86771482)

[xxii. “Promotion of the rights to freedom of expression, of peaceful assembly and of association in the Americas” 45](#_Toc86771483)

[xxiii. “Right to freedom of conscience and religion or belief” 47](#_Toc86771484)

# “Autonomous official public defenders as a guarantee of access to justice for women in vulnerable situations”

RECALLING that the General Assembly took note of the Principles and Guidelines on Public Defense in the Americas, unanimously adopted by the Inter-American Juridical Committee in resolution CJI/RES. 226 (LXXXIX-O/16);

RECALLING ALSO the Inter-American Commission on Human Rights (IACHR) report on Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean;

CONSIDERING General Recommendation No. 1 of the Committee of Experts of the Follow-up Mechanism to the Convention of Belém do Pará (MESECVI) on self-defense and violence against women under with Article 2 of the Convention of Belém do Pará;

NOTING that Regulation 9 of the Brasilia Regulations Regarding Access to Justice for Vulnerable People (updated version adopted by the Plenary Assembly of the XIX Ibero-American Judicial Summit, Quito, Ecuador, April 2018) calls for the necessary steps to be taken to eradicate discrimination against women in accessing the justice system for the custody of their legitimate rights and interests, in order to achieve effective equality of conditions. Special attention shall be paid to strengthening mechanisms aimed at protecting their legal assets, their access to due diligence and to speedy and timely proceedings; and

EMPHASIZING the importance of giving special attention to the situation of women in vulnerable circumstances within the context of the current health crisis, and in that regard, taking note of IACHR resolution (No. 1/2020) titled “Pandemic and Human Rights in the Americas,”including the section referring to women**,**

RESOLVES:

1. To underscore the vital importance of the *pro bono* legal aid service provided by official public defender offices in the Americas -within the scope of their authority- in guaranteeing everyone, especially all women and girls who have experienced sexual and gender-based violence, access to justice; as well as in recognizing and promoting without discrimination their rights, particularly their economic, social, and cultural rights, which are indispensable to leading autonomous lives free from violence.
2. To urge member states to incorporate a gender perspective into criminal defense for women who run afoul of criminal laws, especially those who are in custody. Particularly in the context of the pandemic, states are urged to pursue, where appropriate, alternatives to incarceration for women who have been accused and/or convicted, taking into special consideration the impact that this situation has on them and their immediate environment.
3. As long as problems stemming from the context of the COVID-19 pandemic remain, to urge States to consider declaring declare legal assistance and care services for all women in situations of vulnerability to be essential and indispensable. Furthermore, in the event that restrictions on freedom of movement are imposed, to endeavor to ensure alternative avenues for care.

Likewise, to encourage member states to facilitate access to justice for women who have experienced sexual and of gender-based violence, particularly within the scope of the functions of each competent institution, in keeping with the applicable regulations, in an effort to guarantee free, accessible, effective, and specialized legal aid and representation services for women who report situations of sexual and gender-based violence; to facilitate early, urgent, and timely access to justice in order to secure protective measures for them.

(For the Follow-up and Reporting section): To request the Permanent Council to instruct the Committee on Juridical and Political Affairs (CAJP) to include in its plan of action the following issue covered by this resolution, prior to the fifty-second regular session of the General Assembly with a view to promoting the sharing of experiences and best practices: “Autonomous official public defenders as a guarantee of access to justice for women in vulnerable situations.” The holding in the first quarter of 2022, of a tenth special meeting of the CAJP on best practices employed by each official public defense institution in the region for ensuring access to justice for women in vulnerable situations in defense of their human rights, to be attended by the member states and their respective official public defender institutions that provide legal aid, members of the AIDEF, and experts from the academic community, civil society, and international organizations. Attendance by members of the AIDEF must be guaranteed by that same organization**.**

# Human rights defenders

CONSIDERING the states’ primary responsibility to respect, protect, promote, and enforce all human rights and fundamental freedoms for everyone, including the right to defend and promote human rights and the deep concern about situations that prevent or hinder the work of human rights defenders at the national and regional levels in the Americas; and

UNDERSCORING the important and legitimate work carried out by all those individuals, groups, and communities that engage in nonviolent protest, express their opinion, publicly denounce abuses and violations of human rights, provide rights education, seek justice, truth, reparation, and non- repetition, and work to preventhuman rights violations, or undertake other activities to promote human rights,

RESOLVES:

1. To recognize the work done at the local, national, and regional levels by human rights defenders, and to recognize their invaluable contribution to the promotion and protection of, respect for, human rights and fundamental freedoms in the Americas.
2. To urge member states to take the necessary steps to create the social, economic, political, and other conditions, and to incorporate a comprehensive protection perspective, including differentiated and collective protections**,** and a gender perspective into the protection of human rights defenders including journalists and environmental activists, as well as their family members and the creation of a safe and enabling environment for the defense of human rights, granting the necessary legal guarantees for all persons without discrimination of any kind, to be able to enjoy all those rights and freedoms, individually or collectively, especially those who defend and exercise the rights to freedom of expression, association, and peaceful assembly in contexts where human rights violations are committed.
3. To give special consideration to the situation of all women human rights defenders, who unfortunately face specific risks, including sexual and gender-based violence. It is essential to ensure the rights of all women who act as human rights defenders, since they can often face different kinds of violence and highlight the importance of strengthening the role of the family and the community as spaces of protection and support, which prevent them from running risks of aggression because of their activities in defense of human rights.
4. To condemn any act intended to directly or indirectly prevent or hinder the work of human rights defenders in the Americas including acts of reprisal, threats, intimidation, harassment, and acts in the context of the COVID-19 pandemic.
5. To urge member states to continue working on prevention of situations that impede or hinder the work of human rights defenders, as well as protection of their human rights, domestically and in different international forums, on the understanding that protecting human rights defenders and supporting their work is a vital part of states’ strategies to defend and guarantee human rights, and a vital part of the work of international organizations as a whole and of the activities of relevant NGOs and civil society in general.

# Rights of children and adolescents – preambular paragraph 4 and operative paragraph 4 pending

CONSIDERING the significant percentage of persons under 18 years of age that typifies the population of the Americas, and the inequality gaps that exist in the region in terms of access to the full enjoyment of their rights;

REAFFIRMING the need to make more effort to honor commitments with respect to the rights of children and adolescents, especially in the context of a pandemic that has sparked, *inter alia*, a health, skills and learning, and economic crisis that has severely affected their lives, aggravating existing inequalities;

EMPHASIZING the comprehensive and multidimensional nature of the rights of children and adolescents and the resulting intersectoral and interagency coordination needed to promote and protect them; as well as the importance of having duly qualified institutions in place for this purpose, suitably staffed, sufficiently equipped, with suitable means and proven experience in this type of task, and taking note of Advisory Opinion OC-17/2002 of the Inter-American Court of Human Rights;

REAFFIRMING the commitment of member states to preventing, punishing, and eradicating all forms of abuse and violence against children and adolescents in all areas of their lives as a hemispheric priority, especially during the pandemic, which, given its importance, should be the subject of a regional analysis geared towards further action **that could include opportunity for a possible inter-American instrument; [USA, CAN, COL, GUA: ~~that may include the usefulness of a possible inter-American instrument~~]**

BEARING IN MIND that children and adolescents, because of their age, should receive protection and special care, for their full and harmonious development as human beings, within a family environment, as a natural means for their growth and well-being,

RESOLVES:

1. In order to promote integral development for children and adolescents, to continue promoting the creation and consolidation of comprehensive systems for promoting and protecting the rights of children and adolescents in the region, with a view to putting universal and inclusive, participatory and diversity-respecting public policies in place to deliver quality services that promote integral development, with special attention to historically excluded and/or groups in vulnerable situations, including groups of children and adolescents fleeing their countries in search of international protection.

2. To encourage member states to continue to focus their joint work on behalf of children and adolescents, with particular attention to the response to the effects of the COVID 19 health crisis and on priority issues such as early childhood, adolescence, as well as the need to insist on strengthening the promotion and protection of all their rights, taking into account the variety of conditions and circumstances, gender equality without any type of discrimination, and the creation of venues for their opinions to be heard. Likewise, to continue the actions undertaken with respect to challenges such as international child abduction, elimination of violence, trafficking and exploitation, including sexual exploitation, prevention of pregnancy in girls and adolescents, physical and emotional abuse, including in the digital context, where risks must be mitigated and opportunities in education must be enhanced, guarantee asylum-refugee procedures in a manner consistent with international law and the corresponding national legislations for those who so request in the face of persecution or human rights violations and establishing self-protection networks with intergenerational participation, among other forms of organization, with the supervision of their parents or caregivers.

3. To recognize the activities of the Inter-American Children’s Institute (IIN) especially its human-resource education and training initiatives for policies to protect the rights of children and adolescents, with particular emphasis on those in vulnerable situations, as well as its establishment of various working groups within existing resources and the ongoing work carried out to define strategic guidelines and innovative methodologies in operating them.

4. To instruct the General Secretariat, in consultation with the member states and in collaboration with the Inter-American Children’s Institute (IIN) and other relevant OAS bodies, to conduct a hemispheric study on prevention, eradication, and punishment of abuse and all forms of violence against children and adolescents and which, [**BRA+USA: considering inputs like the]** **[COL: based on any national evaluation** **done by states with the various inputs, including the]** report that will be prepared by the Inter-American Children’s Institute (IIN) and ~~,~~ in accordance with the provisions of resolution AG/RES. 2961 (L-O/20), [CAN, USA, COL, GUA: ~~based on the report that will be prepared by the Inter-American Children’s Institute (IIN) and , in compliance with the provisions of resolution AG/RES. 2961 (L-O/20),]~~ will serve, *inter alia,* to consider the relevance of further action **that may include a possible inter-American instrument on the subject,** **[CAN, USA, COL, GUA:** ~~that~~ ~~may include an inter-American instrument on the subject, using existing resources~~] using existing resources. Said study will be presented to the General Assembly at its fifty-second regular session, through the Committee on Juridical and Political Affairs (CAJP).

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

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

RESOLVES:

1. To commend the states parties on their commitment to, and efforts in, meeting the deadlines for submitting national reports, and to request states parties that have not yet done so to submit promptly the reports covering both groups of rights. Likewise, to encourage states parties to take into consideration the observations for developing their public policies to promote economic, social, and cultural rights, including the right to a healthy environment set out in Article 11.

2. To invite member states that are not yet party to consider signing, ratifying, or acceding to, as applicable, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

3. To urge the WGPSS to continue and strengthen training and technical assistance to the States Parties to the Protocol of San Salvador, when so requested, in the process of preparing national reports and in following up on its observations**,** and to urge states to share best practices in that regard and consider existing innovative proposals for implementing the recommendations on the Protocol of San Salvador.

# Human Rights of Older Persons

Concerned that, in the context of the health emergency brought about by the COVID-19 pandemic, older persons have been particularly affected and discriminated against because of their age in the provision of healthcare and health services, and recognizing that older persons have a right to life and dignity in old age, as set forth in Article 6 of the Inter-American Convention on Protecting the Human Rights of Older Persons; as well as to the highest level of physical, mental, and social well-being without discrimination of any kind—as recognized in Article 19 of said Convention, to which eight member states are parties;

That in this scenario, and considering our commitment to working within the framework of the “United Nations Decade of Healthy Aging (2021-2030),” starting with a concerted, catalytic, and collaborative action involving governments, civil society, international organizations, academia, the media, and the private sector to improve the lives of older persons, their families, and the communities that inhabit the Americas region, and the impact that the COVID 19 pandemic has brought to light**;**

Bearing in mind that gender-based discrimination, together with otherforms of discrimination, exacerbates the impact of the current pandemic and thus adversely affects the lives of older women, increases the risks of exclusion, and exposes them to greater risk of COVID-19 infection,

RESOLVES:

1.To encourage states to make the necessary efforts to protect the human rights of older persons in the context of the COVID-19 pandemic, which has increased their vulnerability, as observed, *inter alia*, by physical and psychological abuse, isolation, and difficulties in accessing priority care.

2. To urge the member states to prioritize and accommodate older persons, from a human rights and gender standpoint, in any public health efforts to prevent or address COVID-19, including immunization plans, furnishing them with adequate and accurate information thereon.

3. To encourage member states to ensure preferential care and universal, equitable, and timely access to quality comprehensive, primary care-based social and health services, especially those that provide care for older persons in vulnerable situations.

4. To urge those member states that have not yet done so to consider signing, acceding to, or ratifying, as appropriate, the Inter-American Convention on Protecting the Human Rights of Older Persons, bearing in mind that 10 states party to the Convention are required for the Committee of Experts to become operational.

# Eradication of statelessness in the Americas

TAKING INTO ACCOUNT the universal nature of the right of all persons in the Americas to nationality, as enshrined in Article 15 of the Universal Declaration of Human Rights and in various international instruments, and**,** in particular, the recognition of this right in the Americas under Article XIX of the American Declaration of the Rights and Duties of Man and Article 20 of the American Convention on Human Rights, and that statelessness is a serious humanitarian problem that has worsened as a result of the health crisis and must be eradicated; and

UNDERSCORING the importance of the Global Plan of Action to End Statelessness (2014-2024) and the commitment reaffirmed by the states of the region in the 2014 Brazil Declaration and Plan of Action for the eradication of statelessness until 2024, as well as the commitments adopted through the High-Level Segment on Statelessness in 2019 and the Global Refugee Forum held in 2019, and the significant strides made in the region recently in this area, such as the adoption of protection frameworks for stateless persons and the establishment of statelessness determination procedures in eight countries; the accession to one or both UN Conventions on Statelessness by 12 countries; the adoption of legal and institutional frameworks facilitating naturalization for stateless persons in six countries; or the elimination of gender discrimination from nationality laws, among other advances,

RESOLVES:

1. To reaffirm the commitment of member states to preventing and eradicating statelessness in the Americas and to urge member states to press ahead with the actions and strategies set out in the Global Action Plan to End Statelessness (2014-2024) and in the Brazil Plan of Action (2014).
2. To invite member states that have not yet considered it to ratify or accede to the UN conventions on statelessness, especially during the ceremony commemorating the Convention on the Reduction of Statelessness that took place on the fringes of the UN General Assembly held in September 2021, and, at the same time, to adopt or amend their domestic laws, as required, to establish fair, efficient and timelyprocedures to determine statelessness and grant facilities for stateless persons to be naturalized, in a manner consistent with their obligations under international law.
3. To urge member states that have not yet done so to eliminate gender-based and otherdiscrimination from nationality laws; in order to eliminate discriminatory and xenophobic practices against stateless persons; to develop appropriate safeguards to prevent cases of statelessness, in particular in cases of children, adolescents, and groups in a vulnerable situation; to promote the universal registration of births by increasing registration of births that occur or have occurred in border zones, indigenous territories, and remote rural areas; to improve data on stateless populations; and to resolve existing cases of statelessness within a reasonable time, in a manner consistent with their respective international rights commitments and obligations, especially in situations resulting from arbitrary denial and deprivation of nationality.

# “Situation of People of African Descent in the Hemisphere and Racism”

CONSIDERING resolution A/RES/75/314, which creates the Permanent Forum of People of African Descent, Section ix. “Promotion of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the fight against all forms of discrimination” and Section xii. “Situation of Afro-descendent populations in the Hemisphere and racism” of resolution AG/RES. 2961 (L-O/20) “Promotion and Protection of Human Rights,” the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, the Inter-American Convention against All Forms of Discrimination and Intolerance, AG/RES. 2824 (XLIV-O/14) on the International Decade for People of African Descent, AG/RES. 2891 (XLVI-O/16) on the Plan of Action for the Decade for Persons of African Descent in the Americas (2016-2025), CP/RES, 1093 (2144/18) on the Inter-American Week for People of African Descent, the “Commitment of San José,” adopted on October 18, 2019, and the points raised by the Inter-American Commission on Human Rights and the Inter-American Network of High-Level Policy Authorities on People of African Descent (RIAFRO) about the disproportionate and differentiated impacts that people of African descent have experienced due to the COVID-19 pandemic; and

TAKING INTO ACCOUNT that the 2021 marks the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action,

RESOLVES:

1. To urge member states to improve the collection and processing of disaggregated statistical data, incorporating the gender and ageperspective and the dimension of intersectionalityin the design and implementation of targeted, comprehensive public policies to address the serious labor, health, housing, access to justice, and education inequalities affecting women and men of African descent, in order to address associated and systemic inequalities, as well as the structural causes of systemic racism, while giving special attention to the economic and social challenges that seem likely to emerge in the post-pandemic context and the need to ensure decent living conditions, as well as promoting and respecting the principles of equality and non-discrimination. **[Guatemala will present a footnote]**

2. To urge member states to continue pursuing the goals and commitments assumed within the scope of the Plan of Action for the Decade for People of African Descent in the Americas (2016-2025), taking into account the regional report on the status of people of African descent and on the progress made in implementing the Plan, prepared by the Department of Social Inclusion of the Secretariat for Access to Rights and Equity, recognizing and promoting the contributions made by peoples and communities of African descent towards building an inclusive, multicultural society that respects diversity.

3. To encourage member states to consider ratifying the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and/or the Inter-American Convention against All Forms of Discrimination and Intolerance.

4. To invite those member states that have not yet done so, to join the Inter-American Network of High-Level Policy Authorities on People of African Descent (RIAFRO).

# “Promotion of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the fight against all forms of discrimination”

RECOGNIZING the importance of ratifying the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance,

RESOLVES:

1. To request the CAJP to organize within existing resources a follow-up meeting aimed at gathering input from member states to counteract intolerance and discrimination in the region.

2. To invite member states to consider signingand ratifying, or acceding to, the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance, bearing in mind that both promote the coexistence of diversity, which is considered to be a source of strength for democratic societies in the Hemisphere.

# “Protecting human rights in the context of the COVID-19 pandemic”

RECALLING resolutions 1/2020, 4/2020, and 1/2021 of the Inter-American Commission on Human Rights (IACHR), concerning standards and recommendations to guide states on measures for handling and containing the COVID-19 pandemic, as well as the guidelines on the human rights of persons with COVID-19 and resolutions CP/RES. 1151 (2280/20) and CP/RES. 1165 (2312/21) of the Permanent Council, emphasizing that health is a public goodwhich ought to be realized by all States on an equal footing and without discrimination, and considering that the pandemic has generated differentiated and intersectional adverse effects on and has exacerbated preexisting gaps inthe enjoyment of human rights of all sectors of the population, in particular for people and members of populations in situations of special vulnerability and/or historically subjected to discrimination, **[Guatemala will present a footnote]**

RESOLVES:

1. To include in measures to promote the enjoyment of rights and the preservation of health and a gender perspective to tackle the pandemic and its consequences, with a differentiated focus on people and members of populations in situations of special vulnerability and/or historically subjected to discrimination.

2. To promote and protect the enjoyment and exercise of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health, including for persons with COVID-19, consistent with the principles of equality and nondiscrimination.

3. To promote regional technical and cooperation exchanges that encourage good practices by states onmeasures adopted in the context of the pandemic and a gender perspective in order to effectively and humanely improve epidemiological responses, seeking and promoting accessibility and affordability –in a participatory, transparent, non-discriminatory way and with the widest possible geographical coverage– of medicines, treatments, vaccines, other health technologies,quality goods, services, information, and knowledge developed for preventive, curative, palliative, or rehabilitative care of people with COVID-19.

# “Rights of persons deprived of liberty”

RECALLING all previously adopted resolutions related to the rights of persons deprived of liberty, as well as the reports published by the IACHR on the human rights of persons deprived of liberty, and recognizing the commitment of the OAS member states to promoting and protecting the human rights of persons who have been deprived of liberty, as established in international instruments and human rights treaties on the subject and those of general scope; and

TAKING INTO ACCOUNT the especially vulnerable situation of persons deprived of liberty in the context of the COVID-19 pandemic and the need for measures to guarantee respect for their human rights within institutions used as detention facilities, particularly within the regional penitentiary and prison system,

RESOLVES:

1. To reaffirm the international obligations of member states to respect, guarantee, promote, and protect the human rights of persons deprived of liberty, paying particular attention to persons facing a death penalty sentence, with a comprehensive and differentiated approach and a gender**,** human rights, and intercultural perspective, based on the dignified treatment of the individual and the principle of equality and non-discrimination, including those who belong to groups in vulnerable circumstances or that have traditionally been discriminated against.

2. To urge member states to continue perfectingtheir legal, institutional and public-policy framework to ensure that conditions of detention are compatible with the dignity of persons and to consider incorporating, by law, a series of measures as alternatives or substitutes for deprivation of liberty, whose application takes into account internationally recognized standards in this area, as appropriate, applying a gender, and other differential approaches that address groups in vulnerable circumstances, and that consider the participation of society and the family in their application. **[Jamaica and Saint Lucia will present a footnote]**

3. To call on member states to strengthen and direct their legal and regulatory frameworks and public policies toward the eradication of torture and other cruel, inhuman, or degrading treatment or punishment, and, in so doing, ensure protection for the human rights and fundamental freedomsof persons deprived of their liberty.

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

5. To encourage international cooperation from states with the efforts of the International Committee of the Red Cross (ICRC), the United NationsSubcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and national mechanisms for the prevention of torture within the scope of their competencies, by contributing to the design, promotion, review, and adoption of national and regional initiatives to respond to the needs of persons deprived of their liberty in the various countries in which they operate.

# “Protection of asylum seekers and refugees in the Americas” – operative paragraph 5 pending

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

HIGHLIGHTING ALSO the importance of the Global Compact on Refugees, the work of the Asylum Capacity Support Group, and follow-up on the commitments adopted by a number of member states of the Organization at the first Global Refugee Forum, held in Geneva in December 2019, particularly as regards strengthening asylum and protection capacities, shared responsibilities, and lasting solutions;

RECALLING resolutions AG/RES. 2928 (XLVIII-O/18), AG/RES. 2941 (XLIX-O/19), and AG/RES. 2961 (L-O/20) regarding the Comprehensive Regional Protection and Solutions Framework (MIRPS), a mechanism that contributes to multilateral initiatives for dialogue and cooperation in relation to asylum seekers, refugees, returnees in need of protection, and displaced persons, comprising Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama;

EMPHASIZING that the region continues to face unprecedentedly complex humanitarian and forced displacement situations, that more than 2 million people had pending asylum applications at the end of 2020, and that while the humanitarian situation has worsened in several countries, including as a result of the COVID-19 pandemic; and

EMPHASIZING ALSO the progress made by several countries in the region in the protection of refugees and asylum seekers, such as the establishment of prima facie refugee status procedures, temporary protection schemes, complementary protection, and differentiated procedures, among others,

RESOLVES:

1. To urge member states to continue implementing the programs and thematic pillars of the Brazil Plan of Action and, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Asylum Capacity Support Group, to continue increasing, as applicable, their national capacities in that regard, so as to enhance their response to the large-scale influx of persons needing international protection, within available resources; and to invite the member states concerned to fulfill the commitments made at the first Global Refugee Forum and to present the progress achieved at the first High-Level Officials Meeting, due to held in Geneva, Switzerland, on December 14 and 15, 2021, which will identify progress, challenges, and situations where further support and engagement is needed to achieve the objectives of the Global Compact on Refugees.

2. To recommend to interested member states that they continue developing best practices for determining refugee status, based on optimization of the mechanisms for identifying international protection needs in keeping with each person’s profile, risks, and vulnerabilities; strengthening of systems for identification and referral of cases to national committees for refugees (CONAREs) or equivalent bodies; development of tools for biometric registration and digital application management; establishment of screening systems and expedited, simplified, merged, and special procedures for determining refugee status, or procedures based on the presumption of inclusion or group determination, as appropriate**,** in accordance with domestic law and enabling in all instances a review of refugee status on a case-by-case basis; promotion of digital identity; and interoperability between systems for the determination of refugee status and national identification and protection systems.

3. To thank the UNHCR and the international community for their technical and financial assistance and call on them to continue supporting the design, financing, and implementation of national projects to strengthen national systems for the determination of refugee status in the countries concerned, as well as their regional training and exchange initiatives for the staff of CONAREs, identification of at-risk person profiles (through country of origin information), exchange of countries’ best practices via a regional digital platform, and dissemination of a regional model for the determination of refugee status, all of which are initiatives that should take into account the different realities and particular circumstances of each country.

4. To urge all states to continue to respect international refugee law, in particular the principle of non-refoulment, to continue to respect the international obligations and commitments in their operations at the border; to reaffirm the fundamental importance of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and to recommend, where appropriate, the application of the regional definition of refugee contained in the Cartagena Declaration on Refugees (1984) to respond to international protection needs identified in various countries of the region, and to take note of the Advisory Opinions OC-21/14 and OC-25/18 of the Inter-American Court of Human Rights, in accordance with domestic legislation and international human rights obligations, as applicable. Also, to underscore the complementarity of refugee status with other protection statuses adopted in the region, such as complementary protection or temporary protection, as well as with migratory statuses or regularization processes that involve legal stay arrangements with appropriate protection safeguards for migrants**.**

5. To invite member states to **[HAI: treat refugees, asylum seekers, migrants, and stateless persons with dignity and]** provide humanitarian assistance with the support of, *inter alia*, international actors, the private sector and financial entities; to support the adoption of protection measures, including gender-responsive ones; and to promote inclusion in national systems and the search for lasting solutions for persons in need of international protection, particularly for those whose vulnerability and situation of risk have increased as a result of the COVID-19 pandemic.

6. To recognize the constant efforts of the States that belong to the Comprehensive Regional Protection and Solutions Framework (MIRPS) to respond and attend to the needs of asylum seekers, refugees, returnees with protection needs, and displaced persons, especially amid the COVID-19 crisis and the impacts of natural disasters and climate change, with the collaboration of the General Secretariat of the OAS—through the Department of Social Inclusion—and the Office of the United Nations High Commissioner for Refugees.

7. To highlight the contributions provided by the MIRPS Support Platform in mobilizing financial and technical assistance. To underscore the political support necessary to promote continuity, predictability and sustainability of the commitments acquired and the national and regional objectives of the countries in terms of protecting and seeking solutions for these persons. In this sense, to recognize that the Solidarity Event for Forcibly Displaced Persons and Host Communities in Central America and Mexico, held on June 10, 2021, and organized by Spain, Guatemala, and Costa Rica, was a very positive effort that should be replicated.

8. To urge member states, permanent observers, and other donors to make voluntary contributions to the MIRPS Fund, in order to support the objectives of increasing and strengthening its activities and regional cooperation mechanisms for implementation of the Global Compact on Refugees.

# “Strengthening of the Inter-American Commission of Women (CIM) for the promotion of gender equity and equality and the rights of women” – ad referendums on operative paragraph 2 pending

**[TT: ad referendum operative paragraph 2]**

**[PAR + JAM: will submit a footnote]**

RECALLING Section xx of resolution AG/RES. 2961 (L-O/20) and the importance of the Declaration of Santo Domingo on Equality and Autonomy in the Exercise of Women’s Political Rights for the Strengthening of Democracy, the Declaration of Lima on Equality and Autonomy in the Exercise of Women’s Economic Rights, resolution CP/RES. 1149/20 (2278/20), the Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality (IAP), and the 2019-2022 Triennial Work Program;

RECOGNIZING that the COVID-19 pandemic has exacerbated pre-existing gaps, revealing a differentiated impact that is based on gender and socioeconomic situations and which needs to be addressed using a comprehensive, gender, life-cycle approach that covers the interconnection of multiple forms of discrimination, exclusion and inequality respecting and valuing the full diversity of women’s situations and conditions and that takes into account social, economic, environmental, geographic, ethnic, and cultural factors to ensure that persistent inequalities are eliminated;

RECOGNIZING that upholding women’s rights and gender equality, both in law and in practice, demands the removal of all obstacles to women’s access to health services, education, and promote prevention, care, and the eradication of violence against all women and girls; as well as the possible allocation of human and financial resources at the national, regional, and local levels in order for policies, plans, and standards to be effectively implemented,

TAKING NOTE of the work carried out by the Inter-American Commission of Women in relation to the differentiated needs of women in the face of COVID-19, and of the publications “COVID in the lives of women: Reasons to recognize the differentiated impacts,” “Violence against women in the face of measures aimed at reducing the contagion of COVID-19,” “COVID in the lives of women: Global emergency of care,” and “COVID-19 in the lives of women: Care as investment” as potential references for states in the management and mitigation of the crisis and the design of public policies and measures for post-COVID recovery.

RESOLVES:

1. To support the work of the Inter-American Commission of Women (CIM) so that, in fulfilling its functions detailed in its Statute, depending on the availability of funds, it may provide the member states with recommendations, in accordance with the Integrated System of Indicators of Women’s Human Rights, for achievingthe SDGs, especially SDG **5** and all its targets, focused on achieving gender equality and empowering all women and girls, from an approach that covers the interconnection of multiple forms of discrimination, exclusion and inequality, respecting and valuing the full diversity of women’s situations and conditions.
2. To recognize the need to work to eliminate all forms of gender-basedviolence and discrimination, ensuring universal access to mental health services and sexual and reproductive health care services**,** ensuring women’s full and effective participation and equal opportunity, for all women, for leadership at all decision-making levels in political, economic, and public life, respecting and valuing the full diversity of women’s situations and conditions. **[Guatemala will present a footnote] [Trinidad and Tobago: ad referendum]**
3. To urge the Inter-American Commission of Women, within the scope of its objectives and available resources, to review the existing gaps, which have widened in the context of the health emergency caused by COVID-19,with a view to providing measures and/or strategies to address issues such as recognition for unpaid work, household and care work, as well as the promotion of shared social responsibility and the strengthening of social welfare services and the promotion of a life free from domestic and gender-based violence, in order to advance towards equality, empowerment, and the full realization of the autonomy of all women, respecting and valuing the full diversity of women’s situations and conditions.
4. To request the CIM to further strengthen gender mainstreaming through the identification of new sectors and working partnerships and the protection and strengthening of National Mechanisms for the Advancement of Women as guidelines for national equality policies, as well as the strengthening of the Inter-American Program on the Promotion of Women’s Human Rights and Gender Equity and Equality (IAP) in all OAS Activities, including equal participation of women in decision-making positions in the Organization.
5. To request the Executive Secretariat of the CIM, subject to available resources, to coordinate periodic meetings with the Permanent Missions to the OAS, aimed at establishing a forum for sharing information with the Commission regarding activities carried out to achieve and promote gender equality and the human rights of women and girls in the region.

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

RECALLING section xxi. of resolution AG/RES. 2961 (L-O/20), the obligations emanating from the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the purposes of the Mechanism to Follow Up on Implementation of the Convention of Belém do Pará, its 2018–2023 Strategic Plan, and the agreements resulting from the Eighth Conference of States Parties to the Convention of Belém do Pará (MESECVI-VIII/doc.134/20 rev. 2) and the Seventeenth Meeting of the Committee of Experts of the MESECVI (MESECVI/CEVI/doc.261/20); and

EMPHASIZING its concern over the exacerbated increase in physical, psychological, sexual, and gender-based violenceagainst women and girls in the context of the COVID-19 pandemic,

RESOLVES:

1. To reiterate the commitment of the States Parties to the work of the MESECVI and its purposes and to urge the Mechanism to generate, within available resources, relevant data and information disaggregated by sex and age and other important standardson the magnitude and extent of the multiple forms of sexual and gender-based violence and discrimination against women and girls in its various manifestations, from an approach that covers the interconnection of multiple forms of discrimination, exclusion and inequality technical cooperation with all sectors in order to achieve gender equality and full access and enjoyment of human rights for all women and girls and adolescents.
2. To urge the MESECVI to analyze the implementation of the recommendations of the Third Multilateral Evaluation Round and to encourage the participation of the States Parties in the Fourth Multilateral Evaluation Round of the MESECVI by providing data and information pertaining to the indicators transmitted by the Committee of Experts.
3. To instruct the MESECVI to conduct, within available resources, a review to generate dialogue, data, and strategies on gender-based violence including but not limited to physical, psychological, and sexual violence against girls and adolescents**,** respecting and valuing the full diversity of women’s situations and conditions,in the context of the COVID-19 pandemic and its possible effects on problems such as child and adolescent pregnancy, including with respect to sexual and reproductive health rights and services. **[Guatemala will present a footnote”]**

# “Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016–2026 and support for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities”

RECALLING the commitments made in the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities (CIADDIS) and the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD), the importance of commemorating International Day of Persons with Disabilities, the World Down Syndrome Day, World Autism Awareness Day, and all those dates that highlight the duty to protect and promote the rights of persons with disabilities, including groups in vulnerable situations, and especially in situations of gender-based violence;

RECOGNIZING thatthe nature of some disabilities may put individuals at increased risk of infection, and that the effects of the COVID-19 pandemic have exacerbated the vulnerability of persons with disabilities, aggravating pre-existing barriers to their equal access to accessible essential public services, healthcare and services, education, employment, information and communication technologies,social protection and the rights to which all persons are entitled without any discrimination,

RESOLVES:

1. To urge member states to combat structural discrimination against persons with disabilities in the context of the COVID-19 pandemic, and to adopt measures with anapproach andin accordance with international human rights obligations toaddress their specific needs in current responses, as well as in preparedness for possible health emergencies, with actions to protect persons with disabilities so that they can exercise their rights on equal terms without discrimination, including measures aimed at ensuring access under conditions that enable telework, measures to ensure their safety and protection in situations of risk or emergency, particularly for persons with disabilities who also belong to other groups in vulnerable situations;especially situations of gender-based violence and measures guaranteeing their access to the highest attainable standard of health without discrimination on the basis of disability, as well as to accessible information necessary for disease prevention and treatment, among others.
2. To encourage OAS member states that are not party to the CIADDIS to consider acceding to said Convention, in order to intensify regional efforts for inclusion of and non-discrimination against persons with disabilities; to take into account the conclusions of CEDDIS on progress and challenges in the region with regard to the inclusion of persons with disabilities, following completion of the evaluation cycle for the Third National Report on implementation of the CIADDIS and PAD; and to encourage member states that are party to the CIADDIS to implement the recommendations put forward by CEDDIS in its evaluations, by sphere of activity, and to make voluntary contributions to the specific fund to support the operations of the Committee and its Secretariat and the Specific Fund for the Mixed Working Group for Monitoring and Follow-up on Implementation of the PAD.
3. To highlight the work of the OAS Group of Friends of Persons with Disabilities, welcome new members, and encourage other countries to join its work.
4. To instruct the Department of Social Inclusion, in its capacity as Technical Secretariat of CEDDIS and the area that promotes programs for social inclusion of persons with disabilities, to carry out—within available resources, in coordination with member states, and with the support of the General Secretariat—initiatives to disseminate and promote the rights of this group and their full participation, with collaboration from persons with disabilities and other actors.
5. To urge the General Secretariat, to take the necessary steps to mainstream the inclusion of all persons with disabilities within the Organization as well as through its actions,and in accordance with international human rights obligations, ensuring the full and effective participation of organizations of persons with disabilities in this process;and to mark International Day of Persons with Disabilities, which falls annually on December 3, through actions that contribute to the full recognition, visibility, exercise and enjoyment of their rights.

# “Human rights and the environment” [[2]](#footnote-2)/

RESOLVES:

1. To renew the mandates set forth in section xiv, “Human rights and the environment,” of resolution AG/RES. 2961 (L-O/20), with a view to the consideration of the topic in the first half of 2022.[[3]](#footnote-3)**/**

# “Human rights and prevention of discrimination and violence against LGBTI persons”

**[PAR+GUA+TT+BAR+JAM+SVG+SUR+STL: will present footnotes on this section]**

RECOGNIZING the efforts made by member states in the fight against violence and discrimination against all groups in vulnerable situations in accordance with their international human rights obligations, and within the framework of development plans and public policies of each state;

TAKING INTO ACCOUNT that despite such efforts, lesbian, gay, bisexual, trans, intersex (LGBTI) and gender diverse persons continue to be subjected to violence and degrading medical practices, including conversion therapies in some countries of the region and discrimination based on their sexual orientation, gender identity and/or expression, and sexual characteristics;

RECOGNIZING that trans persons and in particular trans women are in a situation of particular vulnerability as a result of the combination of various factors such as prejudice, exclusion, discrimination and violence in public and private spheres;

CONSIDERING with special concern that violence against children including adolescents manifests itself both in the public and private spheres, for various reasons, as a consequence of discrimination based on sexual orientation and gender identity and/or expression and sexual characteristics;

CONSIDERING that although the pandemic caused by COVID-19 has affected all people, its spread and consequences, as well as the measures adopted to combat them, affect specific groups such as LGBTI persons differently;

TAKING NOTE that the specific human rights violations and abuses commonly suffered by intersex persons may involve irreversible sex assignment and genital modification surgeries, without informed consent; non-consensual sterilization; excessive and/or coercive submission to medical examinations, photographs and exposure of the genitals; lack of access to medical information and medical history; delays in birth registration; denial of services or health insurance, among others;

TAKING NOTE of the work and contributions of the IACHR’s Office of the Rapporteur for the Rights of LGBTI Persons and, in particular, its reports “Violence against lesbian, gay, bisexual, trans and intersex persons in America,” of November 2015, and “Progress and challenges towards the recognition of the rights of LGBTI persons in the Americas,” of December 2018, of the Working Group of the Protocol of San Salvador (GTPSS) and of the Department of Social Inclusion of the Secretariat of Access to Rights and Equity; and

REAFFIRMING the authority of member states to implement their national policies in accordance with the principles defined by their respective national constitutions in accordance with universally recognized international human rights law;

RESOLVES:

1. To condemn, in accordance with international law, and the American Convention on Human Rights when applicable, violations and abuses of human rights, discrimination, speeches and manifestations of hatred, incitement and acts of violence motivated by prejudice against persons because their sexual orientation, gender identity and/or expression, and their sexual characteristics in the Hemisphere, as well as medical discrimination and degradingmedical practices.

2. To urge member states to continue strengthening their institutions and public policies to eliminate the barriers faced by LGBTI persons in the enjoyment of their human rights and fundamental freedoms, as well as to adopt measures focused on preventing, investigating, holding accountable**,** punishing, and eradicating violence and discrimination against persons based on their sexual orientation, their gender identity and/or expression, and their sexual characteristics; and to ensure that victims of violence and discrimination have access to justice under conditions of equality.

3. To urge member states to take urgent measures to promote and protect LGTBI persons’ full enjoyment of all human rights, including equality before the law, as well as to generate, when appropriate, institutional mechanisms to support their families, considering the pandemic context, guaranteeing access, without any discrimination, to equitable, timely, and quality health services.

4. To urge member states to adopt measures to include LGBTI people in economic development and guarantee their equalaccess to the labor market.

5. To urge member states to adopt measures that ensure effective protection for intersex persons and to implement policies and procedures, as appropriate, that guarantee that medical practices with respect to intersex persons’ respect human rights.

6. To instruct the Permanent Council to organize, with existing resources and in coordination with the Secretariat for Access to Rights and Equity, an extraordinary session on “Human rights and prevention of discrimination and violence against LGBTI persons in the Americas” with special attention to the access to health in the context of the pandemic of the situation of trans and gender diverse persons.

7. To request from the IACHR, subject to the availability of resources, a follow-up report on the 2015 ‘Violence against LGBTI persons’ report, and in collaboration with other bodies and agencies, such as the Pan American Health Organization (PAHO), to also report about medical discrimination and degrading medical practices, especially in relation to intersex people, and a report on the situation of gender identities in the region.

# “Observations and recommendations on the 2020 annual reports of the Inter-American Commission on Human Rights and Inter-American Court of Human Rights”

RECOGNIZING the work of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to support the observation, defense, and promotion of human rights, in fulfilling their functions to address situations of human rights violations, adhering to the principles of subsidiarity and complementarity.

RESOLVES:

1. To reaffirm the commitment of the member states to the inter-American system for protection of human rights.

2. To encourage those member states that have not yet done so to consider signing, ratifying, or acceding to all the inter-American human rights instruments, particularly the American Convention on Human Rights.

3. To reaffirm the importance for the Organization of maintaining a sustainable financial budget allocation that allows the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to fulfill all their mandates and continue their work.

# “Strengthening follow-up on recommendations of the Inter-American Commission on Human Rights”

BEARING IN MIND that the current international human rights agenda calls for dialogue on mechanisms to guide member states on how to promote policies and measures to promote the observance of human rights in the Hemisphere;

TAKING INTO CONSIDERATION that on June 10, 2020, in cooperation with Paraguay, the IACHR made the Inter-American Recommendations Monitoring System (Inter-American SIMORE) available to the public as an online computer tool that compiles the recommendations made by the IACHR through its various mechanisms and through which it provides a conduit for sharing and receiving information thereon; and

NOTING that on July 2, 2021, the IACHR launched the Inter-American Commission on Human Rights Impact Observatory,

RESOLVES:

1. To take note of the effort undertaken by the IACHR, in cooperation with a number of member states, to put the Inter-American Recommendations Monitoring System (Inter-American SIMORE) and the IACHR Impact Observatory into operation to underscore the importance of dialogue with the states party onthe recommendations, within the scope of their functions.

2. To invite the IACHR to coordinate with the member states to hold dialogue to commit to help share information and best practices for viable design of strategies, plans, and programs in this area to the extent that their national capabilities allow.

3. To encourage member states and other stakeholders to activate Inter-American SIMORE accounts and to publish information relating to follow-up, as well as to make use of the IACHR’s Impact Observatory.

# “Follow-up on the American Declaration on the Rights of Indigenous Peoples and on the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017–2021)” [[4]](#footnote-4)/

BEARING IN MIND the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017–2021); resolution AG/RES. 2898 (XLVII-O/17), “2019, International Year of Indigenous Languages”; resolution AG/RES. 2934 (XLIX-O/19), “Effective Participation of Indigenous Peoples and People of African Descent in Organization of American States Activities”; and resolution 74/135 of December 18, 2019, adopted by the United Nations General Assembly, which proclaims the period 2022-2032 as the International Decade of Indigenous Languages, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize, and promote indigenous languages and to take urgent steps at the national and international levels; and

CELEBRATING the holding of inter-American weeks for indigenous peoples;

RESOLVES:

1. To urge member states, the General Secretariat, and the institutions of the OAS to take all necessary steps to implement the American Declaration on the Rights of Indigenous Peoples, the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017–2021), and the International Decade of Indigenous Languages (2022–2032).

2. To urge member states and permanent observers to contribute to the Voluntary Contributions Specific Fund to support implementation of the American Declaration on the Rights of Indigenous Peoples and the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017-2021).

3. To continue to entrust the General Secretariat with organizing a meeting of high-level authorities of member states responsible for policies on indigenous peoples, with broad and effective participation by representatives of the indigenous peoples of the Americas and other international and regional agencies; to promote opportunities for dialogue on challenges in connection with the rights of indigenous peoples; and to consider options for the mandate, format, and costs of the potential mechanism for institutional follow-up on the American Declaration on the Rights of Indigenous Peoples, as envisaged in its Plan of Action (2017–2021).

4. To extend the Plan of Action on the American Declaration on the Rights of Indigenous Peoples (2017–2021) for a subsequent period (2022-2026) in order to ensure its due follow-up and compliance, given the obstacles imposed by the COVID-19 pandemic.

5. To reiterate the importance of coordination and cooperation among member states in order to continue supporting the holding of activities to mark Inter-American Week for Indigenous Peoples in the Americas.

6. To promote the highest possible level of protection for the rights of indigenous peoples in the region, including Indigenous women and girls,and the individual and collective right to the enjoyment of the highest attainable standard of physical and mental health, as well as to ensure access, without discrimination, to all services, including health care and health services. Likewise, to promote actions so that inclusive rights-focused responses to COVID-19 respect and protect the rights of indigenous peoples.

7. To promote and protect, within the framework of member states’ international human rights obligations, the rights of indigenous peoples against organized-crime actions that could worsen their vulnerability, particularly in the context of the COVID-19 pandemic.

# “Universal civil registry and the right to identity”[[5]](#footnote-5)/

CONSIDERING that the recognition of people’s identity facilitates the exercise of the right to a name, to nationality, to registration, to family relations, and to legal personality, together with other rights enshrined in such international instruments as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and taking into account the fact that the member states had pledged to redouble their efforts to provide everyone with access to a legal identity, especially through birth registration, in order to meet target 16.9 of the 2030 Agenda for Sustainable Development, and to ensure that everyone has a legal identity,

RESOLVES:

1. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA) and the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV) to continue providing assistance to those member states that so request for the strengthening of their civil registration systems in order to ensure the protection and upholding of the right to identity, the universal registering of births, deaths, and other changes and deeds related to civil status, and of interconnections between registration systems and national identity systems in order to ensure legal identity for everyone, and thereby strengthen the protection of all human rights, particularly those of populations that are vulnerable, displaced, and/or historically subject to discrimination, as well as prevent and eradicate statelessness and allow universal and equitable access to essential public services.

2. To urge all member states to promote, in keeping with their domestic laws, access for all persons to identity documents by implementing effective and interoperable civil registration, identification, and vital statistics systems, including simplified, free, and nondiscriminatory procedures that are accessible to everyone and respect cultural diversity, taking particular care with the protection of personal information and adopting a holistic and differentiating approach that takes account of gender, age, and rights.

# “The Power of Inclusion and the Benefits of Diversity”

RECALLING that all human rights are universal, indivisible, interdependent, and inter-related and that everyone is entitled to enjoy these rights without any distinction; and that the principle of non-discrimination promotes the exercise of these rights without discrimination of any kind;

RECALLING that all the states of the Americas, through the 2014 Declaration of Asunción: “Development with Social Inclusion,” have articulated the imperative to promote fair, equitable and inclusive societies;

NOTING that inclusion is a pervasive and cross-cutting theme in the 2030 Agenda for Sustainable Development and its pledge that “no one will be left behind,” and in particular SDG 16 which calls for the promotion of peaceful inclusive societies, and the provision of access to justice for all through effective, accountable, and inclusive institutions;

NOTING WITH ALARM that there continue to be reports from across the region regarding acts and expressions of exclusion, xenophobia, racism and discrimination in its multiple forms;

REAFFIRMING that the inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace, and that social inclusion is an essential precondition to the full realization of human dignity, respect for human rights, sustainable development and lasting peace in our democratic societies;and

HIGHLIGHTING WITH SATISFACTION that on April 8, 2021, the Committee on Juridical and Political Affairs held a special meeting at which member states heard from experts, shared lessons learned, and exchanged good practices to advance the goals of this resolution concerning good practices undertaken by governments and civil society actors to promote and sustain a culture of inclusion,

RESOLVES:

1. To recognize inclusion as the full and meaningful participation of all persons, without discrimination of any kind, in economic, social, cultural, civic and political life.

2. To reaffirm that inclusion is a precondition to the full realization of every person’s unique potential and that inclusive democratic societies value and respect diversity as a source of strength and recognize such diversity as beneficial for the advancement and welfare of their populations.

3. To urge member states to continue their efforts to build more inclusive societies by:

(a) adopting, implementing, maintaining, and improving inclusive legislation, public policies, programs, services and institutions, and

(b) sustaining a culture of inclusion by supporting civil society initiatives that bridge differences, foster mutual understanding and promote greater respect for diversity of backgrounds, perspectives, and identities.

4. To uphold inclusion as a foundational principle of democracy, comprising the full and meaningful participation of all persons in civic and political life, including, as appropriate,such elements as: open, free and fair elections; inclusive and accountable public institutions and policy development; equitable representation and participation of a population’s diversity in politics and public institutions; safe civic spaces; free and uncensored media, both offline and online; and digital inclusion, from internet connectivity to digital literacy, required for informed and engaged democratic citizens.

5. To request the Committee on Juridical and Political Affairs to organize, within existing resources and in coordination with the Secretariat for Access to Rights and Equity, a special meeting where member states may share lessons learned and exchange good practices to advance the goals of this resolution, with a special focus on aspects identified in paragraph 3(b), and that the Committee present the results of that meeting to the Permanent Council prior to the fifty-second regular session of the General Assembly.

# “Promotion of the rights to freedom of expression, of peaceful assembly and of association in the Americas”

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2928 (XL VIII-O/18) recognizing the rights to freedom of thought and expression in electoral contexts, including on the Internet;

CONSIDERING that the exercise of the right to freedom of opinion and expression is one of the cornerstones of a democratic society and performs an essential function of holding political parties and leaders accountable, ensuring robust and open debate of matters of public interest, and safeguarding the right of citizens to receive information from a variety of sources for the exercise of their political rights and reaffirming the obligations of states to guarantee the enjoyment of human rights;

CONCERNED that situations exist in the Hemisphere that directly or indirectly prevent or hinder the work of governments, individuals, or independent democratic groups, or organizations working to promote and protect democracy, human rights, fundamental freedoms, and gender equality, among others; as well as with recent events in the Hemisphere; taking into account that COVID-19 has posed challenges to the exercise of the rights to freedom of assembly and of association;

UNDERSCORING the importance of access to a variety of sources of information and ideas and opportunities to disseminate them, and that a variety of media should exist in a democratic society; and

BEARING IN MIND that the Internet has become a core medium for exercising freedom of expression and has contributed with the instantaneous dissemination of information, ideas, and opinions, and taking into account the challenges this represents to human rights,

RESOLVES:

1. To call on member states to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association, including on the internet, are in accordance with domestic legislation and international human rights obligations, as applicable.
2. To request a special meeting of the CAJP, within existing resources, prior to the OAS General Assembly in 2022 where member states may share lessons learned and exchange best practices on freedom of assembly and of association.

# “Right to freedom of conscience and religion or belief”

THE GENERAL ASSEMBLY,

RECALLING Section xviii of resolution AG/RES. 2941 (XLIX-O/2019 & 20) adopted by consensus during the forty-ninth regular session of the General Assembly in June 2019 and subsequently adopted by consensus during the fiftieth regular session of the General Assembly in October 2020,

RESOLVES:

To request that the General Secretariat continue follow up on the mandates contained in resolution AG/RES. 2941 (XLIX-O/19 & 20), organize a regional dialogue on the right to freedom of conscience and religion or belief, ideally in the framework of International Religious Freedom Day on October 27, with input from member states, the Inter-American Commission on Human Rights, and other religious and civil society actors in order to discuss best practices, including protecting places of worship; and to request the CAJP to organize, within existing resources, a special meeting where member states may continue to discuss lessons learned and exchange good practices, and to present the results of that meeting to the Permanent Council prior to the next regular session of the General Assembly.

Qr code

Description automatically generated

1. . The sections with outstanding elements are highlighted in the table of contents and in the title of each section. [↑](#footnote-ref-1)
2. . Footnote from United States

   “Human rights and the environment” of resolution AG/RES. 2961 (L-O/20), which takes note of a right to live in a healthy environment and urges additional members states to consider signing, ratifying, or acceding to the Escazu Agreement. Although the United States congratulated Latin American and Caribbean states on the adoption of this agreement in 2018, we also expressed concerns at that time regarding certain elements of the Agreement. These concerns remain. Namely, with regard to paragraph 1 of Article 4 of the Agreement, the United States has consistently reiterated that there are no universally recognized human rights specifically related to the environment, such as a human right to a safe, clean, healthy, and sustainable environment.

   “We are also concerned that certain “principles” listed in Article 3, like the “precautionary principle,” are ill-defined and subject to misinterpretation. We support the precautionary approach as reflected in Rio Principle 15: when faced with threats of serious or irreversible damage, lack of full scientific certainty is no reason for postponing cost-effective measures to prevent that damage.” [↑](#footnote-ref-2)
3. . Footnote from Chile:

   “In connection with the aforesaid section xiv, paragraph 3, of resolution AG/RES. 2961 (L-O/20), ‘Human rights and the environment,’ the Republic of Chile notes that it has not signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) that was opened for signature on September 27, 2018, in New York City, for the reasons given to the National Congress and to Chilean public opinion.” [↑](#footnote-ref-3)
4. . The United States recalls the distinction between human rights, the beneficiaries of which are individuals, and collective rights, the beneficiaries of which are peoples. The United States further recalls that, with limited exceptions not relevant here, the international human rights obligations of States do not extend to the conduct of private actors. The United States underscores our persistent objections to the American Declaration on the Rights of Indigenous Peoples initially placed on the record in 2007 and further elaborated in our footnote to OAS General Assembly resolution AG/RES. 2888 (XLVI-O/16) of June 15, 2016. In particular, the United States reiterates its view that the focus of the member States of the OAS should be on implementation of the UN Declaration on the Rights of Indigenous Peoples. To the extent the American Declaration on the Rights of Indigenous Peoples is discussed herein, the United States notes that the language used should be consistent with the non-binding nature of the instrument. [↑](#footnote-ref-4)
5. . The United States notes that the first preambular paragraph of this section and the first operative paragraph of this section reference "rights" that do not exist in customary international law or in any treaties to which the United States is party. The United States further notes that the American Declaration of the Rights and Duties of Man is a non-binding instrument and that the United States is not party to the American Convention. The United States further understands that OAS General Assembly resolutions do not change the current state of conventional or customary international law. Finally, the United States recalls the distinction between human rights, the beneficiaries of which are individuals, and collective rights, the beneficiaries of which are peoples. [↑](#footnote-ref-5)