PERMANENT COUNCIL OF THE OEA/Ser.G

 ORGANIZATION OF AMERICAN STATES CP/CAJP-3789/24

 26 April 2024

 COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS Original: Spanish

DRAFT DECLARATION TO BE SUBMITTED TO THE GENERAL ASSEMBLY
AT ITS FIFTY-FOURTH REGULAR SESSION[[1]](#footnote-1)/

**SIXTY-FIFTH ANNIVERSARY OF THE CREATION AND INSTALLATION OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, FIFTY-FIFTH ANNIVERSARY
OF THE ADOPTION OF THE AMERICAN CONVENTION ON HUMAN RIGHTS
 (PACT OF SAN JOSÉ, COSTA RICA), AND FORTY-FIFTH ANNIVERSARY OF
THE INTER-AMERICAN COURT OF HUMAN RIGHTS**

(Draft presented by the delegation of Costa Rica)

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THE GENERAL ASSEMBLY,

UNDERSCORING that the Charter of the Organization of American States (OAS) proclaims the fundamental rights of the individual as one of the Organization’s principles and declares that the principal function of the Inter-American Commission on Human Rights (IACHR) is to promote the observance and protection of human rights in the Hemisphere and to serve as the Organization’s consultative organ in those matters, a function that is also assigned to the Commission by the American Convention on Human Rights (Pact of San José, Costa Rica), 1969;

UNDERSCORING ALSO that the American Convention on Human Rights, 1969, created the Inter-American Court of Human Rights as the sole regional human rights court, charged with enforcing and interpreting the American Convention and other instruments of the inter-American system;

BEARING IN MIND that the American Declaration of the Rights and Duties of Man, 1948, and the American Convention on Human Rights, 1969, are essential instruments for protecting human rights in the Hemisphere;

CONSIDERING that 2024 marks the sixty-fifth anniversary of the creation and installation of the Inter-American Commission on Human Rights, the fifty-fifth anniversary of the adoption of the American Convention on Human Rights, and the forty-fifth anniversary of the installation of the Inter-American Court of Human Rights in San José, Costa Rica;

RECOGNIZING that the work of the organs of the inter-American system charged with promoting and protecting human rights furthers the strengthening of democratic systems, the rule of law, and the effective enjoyment of human rights in the Americas;

BEARING IN MIND that the American states are committed to the ongoing strengthening of an inter-American system for the protection of human rights;

HIGHLIGHTING the contributions made by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to the promotion and protection of human rights in the Hemisphere and to strengthening and improving democratic systems in the Hemisphere;

 RECOGNIZING those states of the Hemisphere that in recent years have invited the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to hold periods of sessions in their countries and facilitate the accomplishment of their respective mandates;

TAKING NOTE that, as stated in the Declaration of Santiago, adopted to commemorate 50 years of work by the IACHR, having democracy effectively in force, under the terms defined by the Inter-American Democratic Charter, is a condition for the full enjoyment of the human rights of all people of the Americas, without any discrimination whatsoever, and that the experience of decades of working to promote and protect human rights through petitions, individual cases, general situations, and thematic approaches demonstrates the importance of strengthening the bodies of the inter-American system and of generating a true culture of human rights in the societies of the Hemisphere; and

HIGHLIGHTING the commemoration of those anniversaries in 2024 in the states of the Hemisphere,

DECLARES:

1. To officially commemorate, in the second half of 2024, the sixty-fifth anniversary of the creation and installation of the Inter-American Commission on Human Rights (IACHR), the fifty-fifth anniversary of the adoption of the American Convention on Human Rights (Pact of San José, Costa Rica), and the forty-fifth anniversary of the installation of the Inter-American Court of Human Rights in San José, Costa Rica.

2. To hold a special meeting of the Permanent Council in the second half of 2024 to commemorate the anniversaries identified in the preceding paragraph.

3. To acknowledge the contributions of the IACHR and the Inter-American Court of Human Rights to the promotion and protection of human rights and to strengthening and improving democratic systems in the Hemisphere.

4. To reaffirm the importance of the American Convention on Human Rights (Pact of San José, Costa Rica) as a source of international obligations for states parties and one of the main legal instruments for the promotion and protection of human rights.

5. To urge states parties to persevere with their efforts to ensure the effective enforcement of the American Convention on Human Rights (Pact of San José, Costa Rica) by adopting and intensifying measures for its compliance, and to encourage those states that have not yet done so to consider ratifying the Convention and to recognize the contentious jurisdiction of the Inter-American Court of Human Rights in keeping with Article 62 thereof.

6. To reiterate its respect for the independence of the organs of the inter-American human rights system and the importance of their interactions with other regional human rights protection and promotion mechanisms and with those of the universal system.

7. To recognize that ratification of the American Convention on Human Rights is a step toward the full protection of human rights in the Hemisphere, which must be supplemented with actions by state institutions, human rights education, and civil society participation.

8. To acknowledge that the IACHR’s strategic planning encourages the effectiveness of the inter-American human rights system, as a pillar and shared commitment of the Americas.

9. To express its appreciation to the Republic of Paraguay for holding the event to commemorate the sixty-fifth anniversary of the IACHR within the framework of the fifty-fourth regular session of the General Assembly and to encourage the other member states to celebrate those anniversaries.

10. To invite states to guarantee the IACHR the conditions necessary for it to conduct working visits and outreach activities in order to publicize the contents of the inter-American human rights instruments.

11. To invite states, the General Secretariat, the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and other relevant organs, agencies, and entities of the Organization, within their respective spheres of competence, together with the Inter-American Institute of Human Rights, to continue to conduct activities for the broad dissemination of the mechanisms of the American Convention on Human Rights and of the inter-American human rights promotion and protection system and to strengthen ties between the oversight agencies and the national authorities charged with ensuring and upholding human rights.

ANNEX I

**ROAD MAP**

1. **Background**

The purpose of the declaration is to pay tribute to the inter-American human rights system and mark the sixty-fifth anniversary of the creation and installation of the Inter-American Commission on Human Rights (IACHR), the fifty-fifth anniversary of the adoption of the American Convention on Human Rights (Pact of San José), and the forty-fifth anniversary of the Inter-American Court of Human Rights. The document compiles background information, reports, and relevant data on the anniversaries of the IACHR, the American Convention on Human Rights, and the Inter-American Court of Human Rights.

The accompanying document, which is based on the text adopted at the forty-ninth regular session of the General Assembly, held in Medellin, Colombia, in June 2019, was adapted for the commemoration of the sixty-fifth anniversary of the IACHR.

In addition to the changes indicated above, a specific paragraph is added that acknowledges and thanks the Republic of Paraguay for hosting the event commemorating the sixty-fifth anniversary of the IACHR during the fifty-fourth regular session of the OAS General Assembly. That inclusion highlights the importance of that commemorative event and recognizes Paraguay's role in holding it.

1. **Negotiation framework**

In order to ensure transparency at all stages of the process, provide access to relevant information, and allow the active participation of member states, in accordance with the "Brazil Commitments," this text will be negotiated within the framework of the Committee on Juridical and Political Affairs (CAJP) under the leadership of the Alternate Representative of Costa Rica, Ambassador Samy Araya Rojas.

-Sharing with member states: The document will be informally presented to all member states on April 25, 2024, in the Heads of Mission chat. It will also be put forward under "other business" at the meeting of the CAJP scheduled for that day and by the informal chat of the CAJP.

INITIATION OF INFORMAL NEGOTIATIONS IN VIRTUAL MEETINGS. Virtual meetings will be scheduled with member states to present the draft declaration at the coming CAJP meeting and feedback will be requested from all member state representatives.

OPEN NEGOTIATIONS IN PERSON. Once the draft has been shared and the observations of member states and the requests for co-sponsorship received, a consultation meeting will be at a meeting of regional coordinators open to all members requested by means of a note verbale from the Permanent Mission of Costa Rica to the Chair of the Permanent Council.

At the meeting, the Permanent Representative, Ambassador Alejandra Solano, will present the draft and it will be discussed with the regional coordinators and member states, during which consensus will be sought and possible modifications included. During the meeting, the rationale for the draft will be presented and any questions or concerns from member states will be answered.

1. **Approval and adoption**

Once feedback has been received and the necessary modifications made, the declaration be submitted for adoption at the fifty-fourth regular session of the General Assembly.

This item on the agenda of the General Assembly should include statements by the presidents of the organs of the inter-American human rights system, Judge Nancy Hernández of the Inter-American Court of Human Rights, and Commissioner Roberta Clarke of the IACHR. Arnoldo André Tinoco, Minister of Foreign Affairs of Costa Rica, will read the text and deliver an address on behalf of the country. Remember to take a group photograph to preserve the memory.

1. **Timeline**. This timeline covers the submission of the note verbale requesting inclusion of the item on the agenda of the General Assembly, the initial presentation of the draft declaration to the CAJP, and its adoption at the OAS General Assembly, setting out a clear framework for the process of preparation and adoption of the commemorative declaration.
* April 16, 2024. The note from the Permanent Mission of Costa Rica was distributed as document AG/CP/doc. 1019/24, Note from the Permanent Mission of Costa Rica requesting the inclusion of an item entitled “Declaration ‘Commemorating the Sixty-fifth Anniversary of the Inter-American Commission on Human Rights’” in the draft agenda for the fifty-fourth regular session of the General Assembly.
* April 25, 2024. Beginning of the process in the OAS Committee on Juridical and Political Affairs, where the draft declaration will be presented, and its discussion and review begin. This stage will last until the formal presentation of a final text for adoption at the General Assembly in Paraguay.
* May 25, 2024. Referral of the formal text to the Preparatory Committee for inclusion in the official documents for adoption.
* June 26, 2024. Adoption of the declaration at the OAS General Assembly session. During this session, the declaration will be formally adopted following its negotiation and review in the Committee on Juridical and Political Affairs and other bodies of the Organization, as appropriate.

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1. . To consult all the texts distributed for the draft resolutions that the CAJP will negotiate in preparation for the fifty-fourth regular session of the OAS General Assembly, please visit the following page: [OAS:: Work Plan : Committee on Juridical and Political Affairs : Permanent Council (oas.org)](https://www.oas.org/en/council/CAJP/documentation/AG/Default.asp?q=&e=&evento=) [↑](#footnote-ref-1)