

**ADDRESS BY THE CHAIR OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
FELIPE GONZÁLEZ,
TO THE OAS GENERAL ASSEMBLY DURING ITS 40TH PERIOD OF SESSIONS**

Lima, Peru
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Mr. Chairman of the General Assembly, Mr. Foreign Minister of the Republic of Peru, Mr. Secretary General, Mr. Assistant Secretary General, distinguished Heads of Delegation of the OAS Member States and Observers, representatives of civil society, ladies and gentlemen:

I am pleased to present to the OAS General Assembly, during its 40th regular period of sessions, the 2009 Annual Report of the Inter-American Commission on Human Rights. This document was approved by the Commission at the end of 2009, and it reflects the activities carried out primarily under the chairmanship of my colleague Commissioner Luz Patricia Mejía Guerrero, whose outstanding work I recognize at this time.

The Annual Report is divided into two parts: the first has to do with the work of the Commission, while the second contains the report of the Commission's Office of the Special Rapporteur for Freedom of Expression.

Chapter I of the first part refers to the 50th anniversary of the creation of the Inter-American Commission, the progress achieved, and the challenges facing the region. In this context, it stresses the importance of strengthening democracy through a continuous process in which all sectors of society should participate and in which an unconditional respect for human rights is essential. It particularly emphasizes the importance of developing a pluralistic community life that is respectful of differences, where all voices are heard, and the strength or interests of one sector of society do not predominate.

In terms of the system for human rights protection, the report underscores the importance of the Commission's recent reform of its Rules of Procedure, the result of a process that took more than two years and involved the active participation of the States, civil society, academics, and private citizens from across the entire hemisphere, as well as an intense dialogue with the Inter-American Court. This regulatory reform encompasses aspects related to four central components of the system: precautionary measures, petitions and cases, the forwarding of cases to the Court, and hearings on the human rights situation in the Member States.

Chapter II contains a general description of the activities carried out in 2009: 4 periods of sessions, 89 hearings and 44 working meetings, 11 thematic and country reports, an on-site visit, multiple working and thematic visits, and hearings before the Inter-American Court. The former reflects the great number and variety of demands on the Commission and the different ways in which it contributes to the protection and promotion of human rights in the hemisphere.

Last year was particularly significant for the human rights system, because it marked the 50th anniversary of the Commission. Activities to commemorate the event included a special period of sessions in Buenos Aires, Argentina, held at the invitation of that country's government, and an official visit by the IACHR to commemorate the 30th anniversary of the Commission's on-site visit in 1979. Also as part of the 50th anniversary activities, the IACHR carried out an official visit to Chile, at the invitation of the government, in which it met with high-level officials of the State and participated in a commemorative ceremony offered by

the President. The IACHR reaffirmed, through the signing of the *Declaration of Santiago de Chile*, that the ideals of the inter-American human rights system continue to apply 50 years after the Commission's creation.

Other States of the region also extended invitations to the Commission in 2009 to carry out visits, which we have not yet been able to do, and others maintain open invitations. The Commission expresses its appreciation to those States. The Commission's freedom to conduct visits and observe the human rights situation has been one of the essential tools to ensure the effectiveness of inter-American human rights norms, even during—or perhaps especially during—periods of repression that some countries of the region have experienced.

In addition, as you know, the plenary of the Commission in 2009 carried out an on-site visit to Honduras to consider the human rights situation in the context created by the coup d'état, and we have very recently carried out a follow-up visit. I will refer to the respective conclusions in a moment.

Chapter II of the report also offers information about the IACHR rapporteurships, which continued their activities to provide support for a series of thematic initiatives, for the system of individual petitions and cases, and also for the working groups established within the OAS Committee on Juridical and Political Affairs on the rights of indigenous peoples, of women, of children, of migrant workers, of Afro-descendant peoples, of persons deprived of liberty, and of human rights defenders.

Chapter III includes the Commission's decisions on complaints of human rights violations in the Member States, as well as statistics on the different types of work the IACHR does, summaries of the precautionary measures adopted or expanded, and a general overview of the follow-up to recommendations the Commission made in decisions published since the year 2000.

In 2009, the Commission completed 2,064 initial evaluations, approved 62 admissibility reports, 15 inadmissibility reports, and 4 friendly settlement reports, and published 13 reports on the merits. It forwarded a total of 11 cases to the Court and sent a total of 34 requests to the Member States asking them to adopt urgent precautionary measures to prevent irreparable harm to persons. The IACHR believes this to be evidence of the achievements of the program to reduce the procedural backlog. But regardless of how much progress has been made in the handling of petitions, efficiency in this matter cannot advance beyond a certain point if adequate resources are not provided. Increases in the workload have not been reflected in a corresponding increase in resources, and it is essential that the Commission's activities be financed with OAS regular funds and not be dependent on specific funds, in order to ensure the sustainability of this essential work.

In this sense, the Commission has presented before the Organization a detailed explanation of its needs for the short, medium, and long term. It must be understood that this exercise was done on the basis of costs that are clearly related to the quality of attention that the system's users are entitled to receive. In this regard, the Commission has noted that the General Assembly's agenda includes the consideration of resolutions related to support for the Commission and the human rights system, and it hopes that the will expressed therein also comes with the means to discharge the difficult mandate the Member States have given it.

On another matter, the Annual Report indicates that some States have complied with the Commission's resolution to a significant degree, but that the level of general compliance

continues to be unacceptably low, and there are many cases in which the States affected have yet to fully implement the recommendations that have been made. The system for protection is a tool conceived for the people of this hemisphere, and its effectiveness and credibility depend on compliance with its pronouncements. The Commission considers that the Organization, and in particular this Assembly, must fulfill an essential role in ensuring continuous dialogue, including on matters of compliance.

Chapter IV of the 2009 Annual Report includes a specific analysis of the human rights situation in the OAS Member States that the Commission has concluded warrant special attention: Colombia, Cuba, Haiti, Honduras, and Venezuela.

In its report on the situation in **Colombia**, the IACHR addresses in particular the progress achieved and challenges encountered in investigating crimes perpetrated during the conflict, including the participation of paramilitary leaders extradited to the United States in trials that took place in Colombia under the Justice and Peace Law; persisting patterns of violations of the rights to life and humane treatment; and the situation of ethnic groups. The Commission also analyzes the serious implications of intelligence activities against human rights defenders, social leaders, and justice sector operators, which gravely affect their work. In this regard, the Commission has indicated that States must refrain from all forms of arbitrary or abusive interference in their correspondence, telephone conversations, and electronic communications, and that they must impose disciplinary and criminal penalties on individuals who commit these practices.

In analyzing the situation of **Cuba**, the IACHR paid particular attention to structural circumstances that seriously affect the full observance and enjoyment of human rights, especially political rights; guarantees of due process of law and independence of the judiciary; the imprisonment of political dissidents; restrictions on the right to freedom of residence and travel; restrictions on freedom of expression; the situation of human rights defenders; and trade union freedoms. The Commission also includes a consideration on the economic and commercial sanctions imposed on Cuba, reiterating that the embargo must be ended in view of the impact of such sanctions on the human rights of the Cuban population. Nonetheless, it also reiterates that the embargo does not exempt the State from complying with its international obligations nor does it excuse the violations of the American Declaration described in this report.

With respect to **Haiti**, it must be noted that the report deals with the situation prior to the earthquake that claimed thousands of human lives and in light of which I again express the IACHR's solidarity with the Haitian people. The report analyzed the structural situations that were already seriously affecting the enjoyment of the fundamental rights of Haiti's inhabitants and, more specifically, the grave situations of violence that prevented due observance of the rule of law; serious institutional crises; processes of institutional change that were having negative repercussions for human rights; and serious omissions in the adoption of the provisions necessary for the effective exercise of fundamental rights, all situations that can only have worsened since.

Regarding **Venezuela**, the IACHR includes in Chapter IV the executive summary of its report *Democracy and Human Rights in Venezuela*, in which the Commission analyzes the evolution of human rights in that country and, specifically, a series of conditions that point to the absence of effective separation between and independence of the branches of government. The Commission also notes that not all persons are ensured full enjoyment of their rights irrespective of their stance on the government's policies, and that the State's punitive power is being used to intimidate or punish persons on account of their political opinions. The Commission's report establishes that Venezuela lacks the conditions necessary

for human rights defenders and journalists to carry out their work freely. The IACHR has also determined that a pattern of impunity exists in cases of violence, which particularly affects media workers, human rights defenders, trade union members, participants in public demonstrations, people held in custody, peasants, indigenous peoples, and women. In the Commission's opinion, all these elements have contributed to the weakening of the rule of law and democracy in Venezuela.

The Commission carried out intensive activities in the context of the June 28, 2009, coup d'état in **Honduras**. It followed the situation from its beginnings, handed down hundreds of precautionary measures to protect the life and integrity of persons at risk, and carried out an on-site visit August 17-21, 2009. In its report, the IACHR presents as part of its Chapter IV analysis the executive summary of its report *Honduras: Human Rights and the Coup d'État*. In that report, the Commission confirmed that, along with the loss of institutional legitimacy brought about by the coup d'état, serious human rights violations have taken place, including deaths, an arbitrary declaration of a state of exception, repression of public demonstrations through disproportionate use of force, criminalization of public protest, arbitrary detentions of thousands of persons, cruel, inhuman and degrading treatment and poor detention conditions, militarization of Honduran territory, serious arbitrary restrictions on the right to freedom of expression, and grave violations of political rights. The Commission also established that judicial remedies were ineffective in protecting human rights.

In the follow-up visit carried out May 15-18, 2010, the IACHR held meetings with officials of the three branches of government, human rights defenders, media workers, civil society representatives, and members of the Truth and Reconciliation Commission, as well as with representatives of the international community. The Commission was able to confirm that human rights violations continue in the context of the coup d'état; the delegation received information on the murder of a number of persons, including journalists and human rights defenders, as well as on the lack of effective investigations that could lead to the clarification of these events. The IACHR also received information on the threats and harassment received by human rights defenders, journalists, social communicators, teachers, and members of the Resistance.

Of particular concern are the acts of harassment directed against judges who participated in activities against the coup d'état. The Commission met with members of the Association of Judges for Democracy, who were dismissed from their posts by the Supreme Court of Justice (CSJ) for reasons linked to their participation in demonstrations against the coup d'état or for having expressed opinions against the coup. The inter-American human rights system has repeatedly underscored the central role of the judiciary in the functioning of a democratic system. It is unacceptable that those in charge of administering justice who were opposed to the democratic rupture would face accusations and dismissals for defending democracy. Another matter of tremendous concern is the generalized impunity for human rights violations, a situation facilitated by decisions of the Supreme Court of Justice that weaken the rule of law; these include dismissing charges against the members of the military accused of participating in the coup and firing judges and magistrates who sought to prevent the coup through democratic means.

With regard to the Truth and Reconciliation Commission (CVR in Spanish), it is important to emphasize the importance that such institutions have had in many countries of the region. The Commission has stated that the right to know the truth with respect to grave human rights violations, as well as the right to know the identity of those who participated in them, constitutes an obligation that every State party to the American Convention must meet, with respect both to the relatives of the victims and to society in

general. Whatever actions the CVR ends up taking, these do not exempt the State from its international obligation to investigate, prosecute, and punish through the judicial system those agents of the State who may have committed human rights violations.

The IACHR has made available in more detail the information gathered during its follow-up visit in the document of preliminary observations of such visit, published yesterday with the objective of informing the international community so as it decides on the most efficient way to ensure that Honduras complies with its international obligations on human rights.

On another point, the 2009 Annual Report includes in its **Chapter V** a follow-up on measures adopted to comply with recommendations the IACHR issued both in its report *Access to Justice and Social Inclusion: the Road toward Strengthening Democracy in Bolivia* (2007) and in its report *Violence and Discrimination against Women in the Armed Conflict in Colombia* (2006).

Mr. President, Representatives, Observers, esteemed colleagues, ladies and gentlemen, on behalf of the Commission I would like to thank the Member States for the support they have provided to its ongoing effort to faithfully carry out its mandate.

In particular, the IACHR appreciates the contributions made this year by the governments of the following OAS Member States: Brazil, Canada, Chile, Costa Rica, the United States, and Mexico. It would also like to thank the observer countries that support the Commission's activities: Denmark, Spain, France, Great Britain, Italy, Luxembourg, Sweden, and Switzerland. The Commission likewise values and appreciates the contributions received from the Inter-American Development Bank, the European Commission, the United Nations Office of the High Commissioner for Human Rights, the United Nations Children's Fund, the UN Office of the High Commissioner for Refugees, and the University of Notre Dame. These donations contribute concretely to the strengthening of the human rights system in the Americas.

I would also like to mention the work of my colleagues whose mandates came to an end in 2009: Commissioners Sir Clare K. Roberts, Florentín Meléndez, Paolo G. Carozza, and Víctor E. Abramovich. I would like to thank them for the outstanding work they performed in carrying out their duties during their respective terms with the IACHR. I would also like to express my appreciation to the current Commissioners for the confidence they have placed in me in electing me Chair of the Commission, and recognize the professionalism and dedication of our Executive Secretary and the entire staff of the Secretariat in the promotion and protection of human rights. We, the members of the Commission, are proud of the professional work carried out by the Executive Secretariat under the leadership of Santiago Canton, to whom we reiterate our sincere support.

The Commission has always given great priority to maintaining an open and sincere dialogue with the Member States and with civil society on the best mechanisms to strengthen the protection and promotion of human rights in the hemisphere.

Along with that, we hope that the Member States' commitment to improve the inter-American system and, in particular, their commitment to the work of the Commission, will be reflected in the allocation of additional resources for its operations, in the ratification of all inter-American human rights instruments, and, most particularly, in compliance with the recommendations and decisions made by the bodies of the human rights system.

Thank you very much.