

IV. OTHER INTER-AMERICAN ORGANS

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee is one of the organs through which the Organization of American States (OAS) accomplishes its purposes (Article 53 of the Charter). Chapter XIV of the Charter defines its composition, powers, and functions in the following fashion: it serves as an advisory body to the Organization on juridical matters, it promotes the progressive development and the codification of international law, and it studies juridical problems related to the integration of the developing countries of the Hemisphere. It has its headquarters in Rio de Janeiro and is composed of 11 jurists—nationals of the member states—who are elected by the General Assembly.

In 2004, the Inter-American Juridical Committee held two regular sessions.

The first was held at its headquarters, in Rio de Janeiro, from March 8 to 19, 2004, and the second, in the same city, from August 2 to 20, 2004. The Juridical Committee's agenda for those two sessions covered the following topics: legal aspects of compliance within the member states with decisions of international courts or tribunals or other international organs with jurisdictional functions; legal aspects of inter-American security; application of the Inter-American Democratic Charter; joint efforts in the Americas in fighting corruption and impunity; preparing for the commemoration of the Inter-American Juridical Committee's centennial; the right to information (access to and protection of personal data and information); improving systems for the administration of justice in the Americas (access to justice); the Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII); and the preparation of a draft inter-American convention against racism and all forms of discrimination and intolerance.

The Inter-American Juridical Committee approved reports and adopted resolutions in connection with those topics.

During the period covered by this report, the Inter-American Juridical Committee was composed of the following members: Brynmor Pollard, João Grandino Rodas, Luis Herrera Marcano, Kenneth O. Rattray, Eduardo Vío Grossi, Felipe Paolillo, Ana Elizabeth Villalta, Luis Marchand, Alonso Gómez-Robledo, Mauricio Herdocia Sacasa, and Jean-Paul Hubert.

At the thirty-fourth regular session of the OAS General Assembly (Quito, June 2004), Drs. Galo Leoro Franco of Ecuador and Antonio Fidel Pérez of the United States of America were elected members of the Juridical Committee. Dr. Jean-Paul Hubert of Canada was reelected. These members will begin their new terms on January 1, 2005, for a period of four years. The outgoing members, who concluded their terms on December 31, 2004, were Drs. Brynmor Pollard and Felipe Paolillo.

In August 2004, a letter was received from Dr. Kenneth O. Rattray, in which he tendered his resignation from the Inter-American Juridical Committee for health reasons. As a result, in October of that year the Permanent Council elected Dr. Stephen Vasciannie of Jamaica as a new member of the Committee to fill the vacancy created by Dr. Rattray's resignation, for the period remaining until the conclusion of his term.

In addition, Dr. Brynmor Pollard presented the General Assembly with the Annual Report on the Committee's work in 2003.

On behalf of the General Secretariat, technical and administrative support was provided to the Inter-American Juridical Committee by Dr. Enrique Lagos, Assistant Secretary for Legal Affairs; Dr. Jean-

Michel Arrighi, Director of the Department of International Law; and Manoel Tolomei Moletta and Dante M. Negro, Principal Legal Officers in the Department of International Law.

Lastly, from August 2 to 27, 2004, the Inter-American Juridical Committee, with the assistance of the Department of International Law, conducted the 31st Course on International Law, with the participation of 25 professors from different countries of the Americas, 27 OAS fellowship recipients selected from among more than 70 candidates, and 10 students who covered their own participation costs. The central theme of the course, held at the Rio Business Center, in Rio de Janeiro, Brazil, was “International Law, Trade, Finance, and Development.”

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The Commission was created by a resolution of the Fifth Meeting of Consultation of Ministers of Foreign Affairs, in Santiago, Chile, in 1959. It was formally established in 1960, when the Council of the Organization approved its Statute. Its Regulations, first adopted in 1980, have been amended on several occasions, most recently in 2000. The Commission represents all the member states and its members are elected in their personal capacity by the General Assembly. Its principal function, under the terms of Article 106 of the Charter, is to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

Particularly noteworthy among the activities of the Inter-American Commission during 2004 were the following four meetings: two regular sessions, one special session, and an informal meeting early in the year. The Commission also conducted a series of visits, trips, and seminars covering, *inter alia*, Bolivia, Colombia, Guatemala, Honduras, El Salvador, Antigua and Barbuda, Barbados, Belize, Jamaica, Haiti, Trinidad and Tobago, Saint Kitts and Nevis, and Argentina. In 2004 the Commission approved and published several reports on individual cases, precautionary measures, and two reports on the general human rights situation in Guatemala and Venezuela. It also published the books *Children and Their Rights*, in English, Spanish, and Portuguese; *Jurisprudence on the Rights of Indigenous Peoples in the Inter-American Human Rights System*; and *Access to Public Information in the Americas*. The IACHR has continued its program of fellowships, adding one for the French-speaking countries. This report provides general information on these activities; for further details, see the IACHR's web page: www.cidh.org.

Meetings of the Commission during 2004

The IACHR met on four occasions in 2004: a meeting from January 14 to 16; its 119th regular session from February 23 to March 12; its 120th special session from July 19 to 23; and its 121st regular session from October 11 to 29. At its regular sessions, the IACHR held working meetings and hearings attended by representatives of the member states, petitioners' representatives, NGO spokespersons, and others individuals from civil society, in order to deal with individual cases and the general human rights situation in their countries. At its meeting from January 14 to 16, 2004, the IACHR assembled for the first time with its four new members—Evelio Fernández Arévalos, Freddy Gutiérrez, Florentín Meléndez, and Paulo Sergio Pinheiro—for a briefing and dialogue with its Executive Secretariat.

119th regular session

The IACHR held its 119th regular session from February 23 to March 12, 2004. Since this was the first session in 2004, in compliance with its Rules of Procedure the IACHR elected its executive officers, as indicated: José Zalaquett, President; Clare K. Roberts, First Vice-President; and Susana Villarán, Second Vice-President. Also serving as members of the IACHR are Evelio Fernández Arévalos, Freddy Gutiérrez, Florentín Meléndez, and Paulo Sergio Pinheiro, who were elected at the General Assembly in June 2003 and assumed their positions on January 1, 2004.

During this session, the IACHR adopted 38 reports on individual cases and petitions. During the week of March 1 to 5, a total of 59 hearings were held regarding individual cases and petitions, precautionary measures, and general and specific human rights situations. The IACHR noted that in recent years the friendly settlement mechanism provided for in the instruments of the inter-American system had become more dynamic. In particular, the Commission paid tribute to the spirit of collaboration demonstrated by several member states with a view toward reaching friendly settlement agreements or complying with recommendations, with the creative participation of the victims and the petitioners.

The IACHR expressed its concern over the weakening of the rule of law—an essential prerequisite for the full enjoyment of human rights—in several of the region’s countries, with particular reference to Bolivia, Colombia, Cuba, Haiti, and Venezuela.

The IACHR spent two days reflecting on the inter-American system for the protection and promotion of human rights. Progress was made in examining several matters related to enhanced performance of the Commission’s functions, and the IACHR will shortly invite other hemispheric agencies and stakeholders to participate in this reflection process.

The IACHR also continued to share information and work with United Nations bodies on human rights issues. It met with Dr. Francis Deng, the UN Secretary-General’s Representative on Internally Displaced Persons; Dr. Edna Roland Santos, the UN Secretary-General’s appointee for monitoring the Plan of Action of the World Conference against Racism; and Dr. Doudou Diene, the UN’s Special Rapporteur on racism and xenophobia.

To continue strengthening its dialogue with the member states of the Caribbean Community (CARICOM), the IACHR held a plenary meeting with the permanent representatives to the OAS of Antigua and Barbuda, the Bahamas, Belize, Grenada, Jamaica, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago. On that occasion, they exchanged opinions and information about the human rights situation in the region, and about possible initiatives for cooperation in this field.

At the same time, the IACHR noted its concern regarding recent statements made by high-ranking officials from some member states discrediting organizations that work to defend human rights. In those cases, there had also been a clear tendency toward noncompliance with the recommendations issued by the Commission and the Court.

120th special session

The IACHR held its 120th special session in Mexico, from July 19 to 23, at the invitation of that country’s government. During the first three days a meeting for reflection on the inter-American system was held, attended by government and nongovernmental experts, the IACHR, and representatives of the Inter-American Court of Human Rights. This reflection process will continue and will take on board other stakeholders from across the Hemisphere.

During its time in Mexico, the IACHR also met with President of the Republic, Vicente Fox, and with other ranking government officials, including the Secretary of Foreign Affairs, the Secretary of Interior, the Secretary of National Defense, and the Attorney General of the Republic. It also met with a broad representative sample of civil society organizations dedicated to protecting and promoting human rights.

121st regular session

During its 121st regular session, held from October 11 to 29, 2004, the IACHR adopted 41 reports on individual cases and petitions and held 44 hearings in connection with individual cases and petitions, precautionary measures, and general and specific human rights situations.

At the end of this session, the IACHR stressed that as a result of the weakening of the rule of law, the absence of effective enjoyment of economic, social, and cultural rights, and the vulnerability of human rights defenders in the Americas, it was necessary, *inter alia*, to strengthen the autonomy and effectiveness of the IACHR. This stance was also presented to the Committee on Juridical and Political Affairs of the OAS Permanent Council by the IACHR’s President, Mr. José Zalaquett. The session also addressed the serious financial situation, the process of reflection on the inter-American system for the

protection and promotion of human rights, and other matters. In reaffirming the importance of its independence and autonomy as the OAS's principal organ in the area of human rights, the IACHR received decisive and widespread support from the member states.

In addressing the human rights situation in the Americas, the IACHR spoke particularly of Haiti, Colombia, Cuba, and Venezuela. In addition, the reports it adopted reflected some of the structural problems still afflicting the region with respect to human rights. These dealt, *inter alia*, with the right to life and to humane treatment; with guarantees of due process and judicial protection; with the rights of children, indigenous peoples, and women; and with economic, social, and cultural rights.

During this session the IACHR gave due consideration to appointing a Special Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination. The mandate and work program of the new rapporteurship will be studied by the IACHR at its next regular session.