

Inter-American Commission on Human Rights

Comments and Observations in Previous Annual Reports Concerning the Implementation of International Human Rights Protections

Annual Report of the IACHR, 2000

Address by Dr. Helio Bicudo, May 11th, 2000

In the view of the IACHR, the adoption of measures to improve the administration of justice in the Hemisphere is critical, and in particular, it notes its concern over the impunity surrounding human rights violations involving state agents, as well as the use of military courts in such instances. Among the serious problems that affect justice, the IACHR report mentions budgetary shortfalls, lack of training of judicial personnel, as well as a proliferation of threats against judges, persons in the Office of the Public Prosecutor, and employees of the judicial system.

Address by Dr. Helio Bicudo, June 6th, 2000

I should mention the importance of strengthening the inter-American system of human rights by increasing the material and human resources of the organs that provide protection. These measures should be accompanied by faithful fulfillment of the international obligations assumed by OAS member states in the area of human rights. In that regard, the Commission reiterates its willingness and desire to continue to work cooperatively with the states and civil society representatives with a view to the full exercise of human rights in the Americas.

On behalf of the commission, I would like to state my belief that any progress made in the inter-American human rights system is tied to the faithful fulfillment by member states of their international obligations assumed in a sovereign manner. To that end, states should live up to these commitments by implementing fully the decisions and directives of the oversight organs of the system in a timely manner.

Presentation of the IACHR to the Ad Hoc Working Group for Human Rights, October 2nd, 2000

...we propose that states amend, or even abolish, any domestic provisions that may be at odds with obligations acquired in the framework of the inter-American system of human rights.

One vital aspect for strengthening the system is compliance with the decisions of the Court and with the reports of the commission. In that respect, it is worth reiterating the obligation of the states to establish domestic procedures for enabling such compliance.

Annual Report of the IACHR, 1998

Recommendations to Member States in areas in which steps need to be taken towards full observance of the human rights set forth in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights

This report contains 22 recommendations on how to best observe and implement the provisions of the relevant inter-American human rights treaties. They include improving the administration of justice, the prison system, establishing strict guidelines on the role of the different armed and security forces (police vs. military), protecting human rights defenders, giving special attention to the rights of children and women, guarantee freedom of expression, etc.

Address by Dr. Carlos Ayala Corao, September 28th, 1998

The Commission has attached primary importance to the existence of independent, autonomous, and tenured judiciaries for effective human rights and for strengthening democracy and the rule of law.

After so many discussions and documents on human rights, now what we need more in concrete action, perhaps through a plan involving the commitment of all sectors. Here we should reaffirm the objective of achieving a single inter-American system. We need all members states to ratify all the inter-American human rights instruments and to accept the binding jurisdiction of the Inter-American Court of Human Rights.

Address by Dr. Carlos Ayala Corao, December 9th, 1998

It is therefore necessary to eliminate this type of legal or administrative obstacles and to pave the way for establishing state and individual responsibility in the case of such reproachable conduct, with all the legal and moral consequences it entails. This can be done by opening up the archives and declassifying the documents required by the competent authorities, on both a national and an international plane.

These recommendations are formulated to all OAS member states on the occasion of the 50th anniversary celebrated that day:

First: To recommend that the member states of the Organization of American States adopt legislative and such other measures as may be necessary to effectuate the right of free access to information in files and documents in the power of the State, particularly in cases of investigations to establish criminal responsibility for international crimes and serious violations of human rights.

Second: To recommend that the member states of the Organization of American States that have not yet done so sign and ratify that Statute of the International Criminal Court approved by the Diplomatic Conference in Rome on July 17, 1998.

Third: To recommend that the member state of the Organization of American States adopt legislative and such other measures as may be necessary to invoke and exercise universal jurisdiction against individuals for genocide, crimes against humanity, and war crimes.

Annual Report of the IACHR, 1996

Recommendations to Member States in areas in which steps need to be taken towards full observance of the human rights set forth in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights

This report contains 12 recommendations to further the implementation of the relevant inter-American human rights accords at the national level. They include advancing and consolidating the administration of justice, strengthening the ability of law enforcement agencies to fulfill their mission while respecting rights and freedoms, protecting the rights of children, eradicating gender-based discrimination, considering legal norms for the protection of indigenous rights, remedying conditions in prisons and ending pre-trial detentions, training public sector personnel in order to instill an understanding of relevant human rights protections etc.

Given the importance of “institutionalizing” respect for human rights within the public sector, the Commission recommends that:

Each member state includes within its career training activities courses on human rights, and how human rights obligations must influence the day-to-day implementation of public sector functions. In particular, such training should be directed toward personnel of the military, law enforcement, public prosecutor’s office and the judiciary.

Annual Report of the IACHR, 1995

President’s Address to the Permanent Council of the OAS, February 6th, 1995

The judicial system of judiciary and the civil service are critical struts of democratic government, and, as a result, of a human rights system. In many countries the Commission has studied, the judiciary does not meet those standards, and indeed, judges at virtually every level of the judicial system are the first to acknowledge it. Part of the problem is insufficient financial resources being provided by the political system, which leads to understaffing and general demoralization and opens the way for corruption. Part of the problem, in some countries, is the persistence of antiquated procedures, which require the judiciary to operate in inefficient ways, expending already scarce resources unnecessarily... Here, as in most other matters, change depends on the political will of the government of each country.

A modern and efficient police service is also an indispensable part of a system of rule of law. But the police in a modern system cannot operate effectively without constitutional controls including an independent judiciary. Hence the centrality of an efficient court system in national human rights matters.

Presentation of the Annual Report for 1994 by the Chairman of the IACHR

In the Commission's view, strengthening democratic institutions is the most effective means of protecting and defending human rights.

Annual Report of the IACHR, 1993

Address by the Chairman of the IACHR, Dr. Oscar Lujan Fappiano, October 5th, 1993

Judiciaries cannot be effective in protecting fundamental rights, if, instead of being independent and impartial in their jurisdiction, they are subordinate to the dictates of the executive branch... In situations where the judiciary is not independent and impartial, it is not surprising to find a large number of daily violations of the basic rights of human beings, caused by the fact that the perpetrators of such violations go unpunished.

Statement of the Chairman of the IACHR, Dr. Oscar Lujan Fappiano, January 31st, 1994

If the rights of human beings are to be protected from possible abuse by agents of the state, it is essential for one organ of that state to have the independence to be able to judge both the actions of the executive branch and the constitutionality of laws passed by the legislature.

Without effective democratic regimes combining legality with legitimacy, it will be very difficult to make significant progress towards the full observance of human rights.