



INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Organization of American States

**ADDRESS BY DR. JUAN E. MÉNDEZ,
PRESIDENT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
UPON PRESENTING THE IACHR ANNUAL REPORT FOR 2001
TO THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS
OF THE PERMANENT COUNCIL OF THE OAS**

April 30, 2002

Mr. Chairman of the Committee on Juridical and Political Affairs, distinguished representatives of OAS member states and observers, esteemed colleagues, ladies and gentlemen:

As Chairman of the Inter-American Commission on Human Rights, it is my pleasure to present to the Committee on Juridical and Political Affairs of the Permanent Council the 2001 Annual Report of the Commission. It is also our pleasure to have with us IACHR Executive Secretary Dr. Santiago Canton and professional staff from our secretariat.

The report being submitted to the Committee on Juridical and Political Affairs today was approved by the IACHR during its 114th regular session held during February and March of this year. The document was prepared in accordance with the guidelines set out in General Assembly resolution AG/RES. 331 (VIII-O/78) and with the provisions of Article 57 of the IACHR rules of procedure.

This report covers the activities carried out by the Commission under the Chairmanship of Dean Claudio Grossman. I would like to mention that during this period the IACHR named Ambassador Santiago Canton to the post of Executive Secretary to replace Ambassador Jorge E. Taiana who left us after five years of fruitful leadership. Our Assistant Executive Secretary, Dr. David Padilla, also left us in 2001 after a long and distinguished career of service to the IACHR.

Human Rights in 2001

In the course of 2001, the world was witness to terrorist attacks against civilian populations of unprecedented scope and with dramatic consequences for all. The September 11th attacks on the Twin Towers in New York and the Pentagon in Washington, DC – condemned by both the OAS and the IACHR – and consequent threats to the population in general have spurred open debate on what measures need to be taken to combat this scourge and what means are most appropriate for the investigation, prosecution and punishment of those who commit such international crimes.

The IACHR recognizes that states have the right and duty to protect their people and institutions against such attacks. The American Convention on Human Rights and other similar instruments set out procedures for the implementation, within the framework of the rule of law, of urgent measures in response to a serious threat to public order. Such measures must be put in place in such a way as to guarantee full respect for the basic, inalienable rights enshrined in international law. Today's altered context certainly presents a

new challenge to OAS member states. They must find a way to balance their responsibility to protect the civilian population from the threat and consequences of acts of violence with their duty to administer justice with all due guarantees and to shield their people from arbitrariness. In a resolution adopted on 12 December 2001, the IACHR announced that it would be willing to prepare a report on terrorism and human Rights with the purpose of helping member states to design legislative and other responses to violence and the threat of terrorism that would take into account respect for standards set by international law. As part of the process of preparing that study, the Commission has invited the governments of member states and a number of NGOs to submit any information that they deem pertinent, as well as written comments and suggestions on the subject matter to be considered by the Commission. During its 114th regular session, the Commission convened a special public hearing on human rights and terrorism. This event provided the IACHR with the opportunity to listen to various experts address the very questions that will be tackled in the study, which is scheduled to be completed in the next few months.

When talking about the primacy of the rule of law, it would be appropriate to mention the Inter-American Democratic Charter adopted by the OAS General Assembly in its 28th Special Session in Lima. The Democratic Charter was invoked during the recent failed coup attempt in Venezuela, showing both its usefulness and our region's collective commitment to institutional order. The Commission once again expresses its readiness to work with the OAS on the common task of strengthening democracy, the only form of government under which human rights can flourish.

In the Inter-American Democratic Charter, member states acknowledge that poverty and low levels of human development affect the consolidation of democracy. They have thus made a common commitment to meet the challenge of development by stressing "the importance of maintaining macroeconomic equilibria and the obligation to strengthen social cohesion and democracy." The Commission, however, must note with concern that during the period covered by this report, the region has been witness to socio-economic crises that have had an impact on political and institutional stability. Such situations can affect the continuity of state institutions and the rule of law. They thus pose a threat to people's basic rights and delay the stability necessary to the sustainable social, economic and cultural development that our peoples need.

Both individually and cooperatively, member states should implement measures designed to overcome the social, racial and ethnic marginalization that afflicts our peoples and to assure them decent living conditions, equal opportunity and participation in the decision-making process. These should be the core goals for the integral development of the inhabitants and societies of the Americas. As member states have said in the Democratic Charter, the elimination of gender, ethnic, racial, cultural and religious discrimination and of all forms of intolerance will contribute to strengthening democracy and citizen participation (Article 9). The IACHR has always maintained that states should safeguard and promote the development of vulnerable groups, especially children, women, indigenous peoples, communities with roots in Africa living in various parts of the region, and migrant workers and members of their families. Member states can move in this direction by creating and/or strengthening legal and institutional mechanisms to combat discrimination, with due consideration for parameters now existing in our system.

In 2001 women and girl children continued to suffer from gender-based discrimination and violence. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belem do Pará) recognizes that violence against women, as a manifestation of gender-based discrimination, is often carried out within the

household and family as well as in the community in general. Moreover, it is frequently perpetrated by agents of the state itself. Regional standards oblige states to exercise due diligence to prevent gender-based discrimination and violence, to punish those guilty of it and to take measure to eradicate it once and for all.

The report I am presenting today offers an update on the work of the Rapporteurship on the Rights of Women. The section covers Special Rapporteur Commissioner Marta Aguirre's first on-site visit, made in February 2002 to Ciudad Juárez, Mexico to examine the situation facing women there. This visit was organized after information and expressions of concern were received from representatives of civil society, and thanks to an invitation extended by the government of President Vicente Fox. During the visit special attention was given to the serious situation of violence against women in the area. In the section on promotion and cooperation activities, special attention is given to a meeting of the three Special Rapporteurs on Women (UN, African Commission on Human and People's Rights and IACHR) and the joint declaration they issued on International Women's Day (8 March 2002) in Montreal, urging states to work harder to eradicate gender-based discrimination and violence, and assure that the perpetrators of such violence are investigated, prosecuted and punished. The report also provides a summary on recent jurisprudence and its contribution to safeguarding the rights of women.

Both the Commission and the political bodies of the OAS have given due attention to and expressed concern for the individuals who work to defend human rights throughout the Americas. In accordance with the collective commitment embodied in various GA resolutions, member states have the obligation to take measures to safeguard the lives, safety, and freedoms of expression and association of those who defend the basic rights of all. The Commission has repeatedly expressed concern for acts of intimidation, disappearance, assault and murder perpetrated against persons and organizations engaged in the defense of human rights. In line with the mandate given to the IACHR by resolution AG/RES. 1818 to prepare a comprehensive study on the situation of human rights defenders in the Americas, on 7 December 2001 the Executive Secretariat established the "Human Rights Defenders Functional Unit." This unit will be in charge of collecting information on the plight of human rights defenders in the Americas, maintaining contact with governmental and non-governmental organizations, and coordinating the Secretariat's work in this area. This initiative should contribute to more comprehensive knowledge of the situation and to mechanisms to help the OAS work more effectively and with greater coordination. In 2001 individuals for whom protection had been requested from the Commission and the Inter-American Court suffered attacks, some of which were mortal. Human rights defenders and the organizations for which many of them work play a crucial role in litigation of human rights cases and in the process of civil society scrutiny of democratic institutions. The Commission calls for full protection of the work they do.

Respect for the individual and collective rights of the approximately 40 million people that compose some 400 indigenous groups in the Americas subsists as a historic, geographic, cultural and social challenge to member states. Our indigenous people are frequently the victims of extreme poverty and their basic rights are often violated both within and outside of their communities.

The IACHR would once again like to urge member states to hasten approval of the American Declaration on the Rights of Indigenous Peoples, which will contribute to compliance with the obligations we have to the indigenous people and communities of the region. The Commission would also like to point out that in its 2001 ruling on a case that involved the dispossession of natural resources belonging to an indigenous community, the

Inter-American Court recognized for the first time the collective right to ancestral lands, natural resources and environment. The Court said that the mere existence of indigenous people confers on them the right to live on their own land. It went on to add that the close relationship of indigenous peoples with the land should be recognized and understood as the foundation of their culture, spiritual life, integrity and economic survival.

During 2001 the IACHR Special Rapporteurship on the Rights of Indigenous Peoples continued to monitor the situation in the region. Its efforts have been aided by the work of the Danish Program for Human Rights in Central America (PRODECA). The Rapporteurship has been attentive to the more than 40 petitions and cases now before the IACHR bearing on the rights of indigenous peoples. It also acts as a consultant to the OAS Working Group charged with drafting the American Declaration on the Rights of Indigenous Peoples. The Commission attaches great importance to the progress made, as seen in the incorporation of mechanisms for the participation of indigenous peoples and in acceptance of the concept of indigenous "peoples" rather than "populations."

Members of communities with roots in Africa living in some parts of our region are among those most affected by poverty and abject poverty. They also suffer from marginalization, discrimination and violence. Moreover, they often face the consequences of not being titleholders of the land they live on. This situation is of grave concern to the Commission. In addition to monitoring the situation of the members of such communities in all member states, the IACHR has undertaken a general study on the human rights situation of people descended from Africans and now living in the Americas. In order to better orient its work, the Commission is in the process of diagnosing the situation of such communities. In the next few months a questionnaire will be sent out to members states.

In recent years the situation of migrant workers and members of their families has become one of the most significant human rights matters in the world. In consequence, the Commission considers it urgent that OAS member states introduce domestic legislation to promote respect for and safeguard the basic rights of migrant workers and members of their families, in compliance with relevant international standards. For its part the Commission makes annual progress reports focusing on certain aspects of the situation facing migrant workers in the Americas. It was decided that this was the best way to approach the question as it would be impossible for the Special Rapporteurship on Migrant Workers to present a unified report on a complex subject so vast in scope. Moreover, the rapporteurship has scant resources at its disposal.

In Chapter VI of this year's report various aspects of migration are examined from a human rights perspective. These include the economic impact of migration on both receiving and supplier countries, the smuggling and trafficking of migrants, and discrimination, racism and xenophobia against migrant workers. The jurisprudence laid down by the organs of the inter-American system for the protection of human rights is also examined. The report ends with conclusions and recommendations. The Commission hopes that this progress report from the Special Rapporteurship on Migrant Workers will contribute to the discussion on migration and to raising public awareness of this far-reaching phenomenon. We also hope that the report will contribute to underscoring the duty that states have to respect and safeguard the human rights of migrant workers and members of their families.

The Inter-American System as a Partner in Extending the Rule of law

Our region has experienced major progress in human rights. There are regular

elections, and freer and more open societies. A diversity of organizations and civil groups participate in domestic and international life, strengthening both democracy and human rights in the process. But we still face serious problems, as this year's report shows. Some institutions are not yet mature, such as is the case with the judiciary in many countries. Law enforcement bodies are poorly trained and have not known how to appropriately combine respect for human rights and the needs of public security. Certain groups must still be considered vulnerable, including women, indigenous peoples, communities descended from Africans, children and the handicapped. They have not yet achieved the *de facto* equality needed for free and full development, and in some countries are not even given equal treatment under the law. Our region is home to the greatest economic and social inequality in the world. Recognition of cultural, social and economic rights is nothing more than a distant dream for vast sectors of our societies.

Although elections are held regularly in our region, institutional debility still afflicts many of our democracies. Attempted *coups* and attacks on the constitutional order are not yet a thing of the past. Fortunately, one thing has changed: the OAS now collectively rejects *coups*. Resolution 1080 and the Inter-American Democratic Charter are clear proof that *coups d'état* are no longer acceptable on a regional level.

To meet the challenges posed by these serious problems, our countries have created, along with other instruments, the inter-American system for the protection of human rights, composed of a set of norms and two specialized agencies charged with overseeing compliance with them, the IACHR and the Inter-American Court of Human Rights. Within this system, the political bodies of the OAS represent a collective guarantee that the decisions of these two bodies will meet with compliance. The states, who are the creators of the system, voluntarily contract the obligation to meet all commitments, and they act both individually and collectively as guarantors.

The inter-American system has prominent functions, as can be seen in the annual report. First of all, it metes out justice in individual cases. This reinforces the rule of law, especially for victims and members of their families that feel that their problems were ignored and left unresolved at home. Secondly, the system plays a role as an "early warning signal." Through the inter-American system, the region as a whole is kept informed of serious human rights violations occurring anywhere. The Organization can take measures to assure that a country or countries do not start sliding down the slippery slope of dismantling the rule of law. Third, the regional system broadens the scope of protection of human rights and democracy by strengthening domestic norms and institutions. In this way, stronger safeguards on human dignity are created. Democracy can always be improved and is always being constructed. With this in mind, one can say that the system opens up possibilities within countries and contributes to the growth of democracy by articulating regional positions on questions such as due process, states of emergency, equality before the law and non-discrimination, protection of human dignity and freedom of expression.

The inter-American system has various instruments at its disposal, all of which are reflected in the annual report. First we can point to on-site visits, used to evaluate the general state of human rights, to check on the specific situation in regard to certain rights and to promote human rights in the broadest sense. On-site visits usually lead to a comprehensive report on the human rights situation in a country. This report and the recommendations it contains serve as the basis for monitoring and periodic "follow-up studies" that are made public after intense and fertile dialogue with the government. Another tool used is the system of individual cases, which are now processed in accordance with new regulations that provide for greater legal safeguards and transparency, as well as more

expeditious handling. After examining an individual case, the Inter-American Commission on Human Rights hands down a decision. In cases of in compliance with a decision, the case can be taken to the Inter-American Court or directly to the "court" of public opinion. Lastly, we have the special rapporteurships, created to highlight and examine specific human rights problems affecting vulnerable groups. After much study and dialogue, the Rapporteur may recommend a declaration or a draft convention.

The support of member states is essential to the inter-American system for the protection of human rights. The system should be seen as an ally of countries, aiding them in their efforts to safeguard human dignity and consolidate the rule of law, and not as an adversary or obstacle. In fact, common goals unite both sides. The Commission's conclusions and recommendations published in decisions on individual cases, in reports made after on-site visits or in documents prepared by the special rapporteurships are contributions to strengthening democracy and the rule of law rather than public criticism of any given country. The recent adoption on the Inter-American Democratic Charter is a step toward creating an unbreakable bond between democracy and human rights. The IACHR annual report I am presenting here today shows, chapter by chapter, the superiority of the rule of law and the inseparability of human rights and democracy – by highlighting the significance of the principles of due process and non-discrimination, of an appeals system that provides for effective and timely remedy to human rights violations, of the relationship between security and human rights, and of freedom of expression.

Political support of the Inter-American system on the part of member states should lead to concrete measure in the short term: greater allocation of resources to its organs, regular monitoring of compliance with Commission and Court decisions, and ratification of all Inter-American human rights treaties by all member states. Such measures would contribute to making the organs permanent, something that the Commission has always supported, and to giving individuals more autonomy and participation in proceeding before the Court, a development made possible by changes to the rules of procedure of the Commission and the Court.

Summary of the 2001 Annual Report

- The Annual Report is composed of two volumes, the first on the work of the Inter-American Commission on Human Rights and the second on that of the Office of the Special Rapporteur on Freedom of Expression.

As has been standard practice since 1999, Chapter I of the report presents an overview of the situation in the Americas and the main challenges facing human rights today. Chapter II offers a brief introduction to the history and legal bases of the Commission and lists the main activities carried out by the IACHR during the year. The accomplishments of the 110th and 113th regular sessions and the 111th and 112th special sessions, the former held in Santiago (Chile), are highlighted. Moreover, this chapter covers activities carried out in conjunction with other organs of the inter-American system and with other regional and world-wide bodies. I would like to recall that the IACHR and the Inter-American Court get together every year to discuss matters of common interest and contribute to improving the regional human rights system. The Commission and the Court maintain a cooperative relationship that helps each body to fulfill its mandate, as was seen in the joint presentation that we made with Professor Augusto A. Cançado Trindade, President of the Court.

In 2001 the Commission made on-site visits to Panama and Colombia. We are now

processing the information received during and after the visits for the purpose of drafting respective reports on the human rights situation in the two countries. On behalf of the Commission, I would like to thank the governments of Panama and Colombia for their cooperation in helping us reach the objectives set for the on-site visits.

As the Committee knows, the IACHR will be traveling to Venezuela in the coming days. The recent Special Assembly expressed satisfaction with the fact that the Commission had accepted the invitation to realize an on-site visit made by the government of Venezuela in September 1999. I would like to thank President Hugo Chávez's government for the invitation, which was confirmed on 8 April 2002. I would also like use this opportunity to say that the Commission welcomes the restoration of the constitutional order and the democratically elected government of President Chávez. In response to the attempted *coup*, the Commission reacted immediately with a public statement condemning the violence that resulted in at least 15 deaths and more than a hundred wounded, lamenting arbitrary detentions and other human rights violations that occurred on the days of April 12th and 13th and deploring the removal from office of the highest officials of the various branches of government. It warned that such acts would constitute an interruption of the constitutional order as foreseen in the Inter-American Democratic Charter. It was in this context, in compliance with its obligations as set out in treaties and the rules of procedure, and in accordance with more than four decades of practice, that the IACHR Executive Secretary got in touch with those wielding *de facto* power in Venezuela at the time. The purpose was to ask for information on the detention and whereabouts of President Hugo Chávez and to declare precautionary measures related to the liberty and personal safety of and judicial guarantees for Mr. Tarek William Saab, Chairman of the Foreign Affairs Commission of the Venezuelan National Assembly. Recently Venezuelan Foreign Minister Luis Alfonso Dávila labeled the IACHR's position on the events in Venezuela as "ambiguous." In support of that affirmation, Minister Dávila referred to our communiqué to José Rodríguez Iturbe, designated Foreign Minister in the so-called government of transition. The IACHR must clarify that this communiqué can in no way be construed as recognition of the *de facto* regime. At no time did the Commission explicitly or implicitly recognize the *de facto* government of Venezuela. In accordance with its own procedures and with those of other international human rights bodies, on 13 April 2002 the Commission addressed those who were wielding *de facto* power in Venezuela because the exercise of power, obtained through usurpation or by other means, entails the obligation to respect and guarantee human rights. Many times in the past the Commission has communicated with *de facto* governments in various parts of the region, while simultaneously strongly denouncing any interruption of the institutional order. The powers conferred on the IACHR by conventions or its statutes do not include recognition of governments; our job is to safeguard the human rights of individuals and that is all we were doing in this case.

The Special Rapporteur for Freedom of Expression, Santiago Canton, informed me that his office was concerned about the lack of information available to Venezuelans during the days of institutional crisis, a time when quick access to information is indispensable to the defense of democracy. If this was due to any deliberate decisions taken by media chiefs, the Office of the Special Rapporteur and the Commission hope that the Venezuelan media will take stock of the role they played during this time period.

The IACHR will keep a close watch on further developments in the human rights situation in Venezuela. Next week's on-site visit by the Commission in full represents an opportunity for the Commission to do exactly this and to advance the dialogue begun with authorities and civil society. This should contribute to the protection and defense of human

rights within a framework of democracy and institutional legality.

Chapter III goes to the very heart of the IACHR's work as it reports on deliberations on complaints of human rights violations. This is the longest chapter of the annual report - it contains the actual decisions taken on petitions and individual cases lodged with the Commission and processed in accordance with the appropriate rules. The Commission confers ever more importance on the petition and individual case system and to friendly settlement of cases, four of which are covered in this year's report. Currently, the IACHR is participating in negotiations for the friendly settlement of dozens of other cases affecting various countries. The willingness of the parties to talk and look for creative solutions is without a doubt a positive sign of the growing maturity of our system.

In 2001 the Commission issued 74 reports: 36 declarations of admissibility and 22 of inadmissibility, 12 friendly settlements and 4 reports on the merits. These reports reflect a growing diversity of complaints. The Commission has continued to examine structural problems, such as violations of due process, extrajudicial executions, impunity and abuse of military jurisdiction. The Commission has also taken decisions on matters that are coming more and more to the forefront, such as women's rights, freedom of expression and cultural, social and economic rights. Such cases highlight the growing legal complexity of cases, as well as the Commission's will to improve its own reasoning and argumentation. The Commission aims not only to hand down decisions well-grounded in law, but also to promote human rights by legally determining the scope of the obligations voluntarily taken on by OAS member states. Lastly, through its reports the Commission also tries to clarify various procedural questions especially in regard to the admissibility of petitions, such as the competency to lodge complaints, the time period for which the American Convention is in effect, and exceptions to the rule on exhaustion of internal remedies, among others. In this way the Commission contributes to the legal solidity of our system, establishing rules and standards to be guided by. The IACHR would like to recall that the approval and publication of a report on the merits of an individual case does, to some degree, proffer reparation to someone whose human rights have been violated and who could not obtain justice in domestic jurisdictions.

Chapter III also contains information on some 50 precautionary measures granted or extended by the IACHR. Here the Commission continues its practice of offering information on precautionary measures requested of states, on its own initiative or at the request of a party, to prevent irreparable harm to persons (in accordance with Article 25 of the Rules of Procedure).

A major novelty in this year's report is the section on follow-up on compliance with IACHR recommendations in individual cases. This section emanates from resolution AG/RES. 1828 (XXXI-O/01) adopted in San José and in Article 25 of the IACHR Rules of Procedure. A table lists the recommendations made by the Commissions and indicates whether they were complied with. If they were, there is a further indication on whether compliance was total or partial. To prepare this section of the report, the Commission requested information from countries. In the name of transparency, the Commission has decided to post on the website all responses from countries that have specifically requested that their submissions be published. We trust that this will contribute to an even more open dialogue between states and the Commission, and to greater public scrutiny of the inter-American human rights system. I must express concern with the fact that the table shows no instances of full compliance (implementation of IACHR recommendation in their entirety). Member states must do everything possible to comply in good faith with Commission recommendations. We place our trust in the Permanent Council and in its Committee on Juridical and Political

Affairs, and hope they will establish a mechanism for the periodic monitoring of compliance with Commission and Court decisions. Such an initiative would make palpable the principle of collective guarantees that underlies the inter-American system for the protection of human rights.

Chapter III also reports on Commission actions before the Inter-American Court of Human Rights. This section covers provisional measures adopted by the Court, at the request of the Commission, in cases of extreme gravity and urgency, as stipulated in Article 63(2) of the American Convention on Human Rights. It also offers a summary of Court decisions and actions of the Commission in contentious cases.

The Commission has been guided by the criteria set out in the 1998 annual report in identifying member states whose performance in the field of human rights merits special attention. Chapter IV, set aside to this end, examines the human rights situations in Colombia and Cuba. In regard to Colombia, the contents of the IACHR press release made public after the on-site visit last December are repeated. The Commission is currently preparing its report. Cuba is included in this chapter because it is ruled by a government that was not freely elected in accordance with internationally accepted norms, a fact which in itself constitutes a violation of the right to political participation enshrined in Article XX of the American Declaration on the Rights and Duties of Man.

Considering the criteria set out in the 1998 annual report, the Commission is of the opinion that Haiti should also have been included in this section. Following the usual practice, however, it has not been as the IACHR is currently preparing an on-site visit to the country. It is a pleasure for me to inform you that the Commission's Special Rapporteur for Haiti, Dr. Clare Kamau, and our Executive Secretary will go to Haiti in the coming weeks as part of IACHR effort to follow the situation there.

Chapter V of this year's report covers the state of compliance with previously issued Commission recommendations. This time around we examine compliance with past IACHR recommendations on the human rights situations in Paraguay, Peru and the Dominican Republic. I would like to thank the governments of these three countries for responding to the Commission's request for information.

The final section of Volume I is composed of the usual annexes: information on the current state of the conventions and protocols on human rights approved within the inter-American system, press releases, and selected speeches given in the course of the year.

The Report of the Special Rapporteur for Freedom of Expression

I am pleased to announce that during its 114th regular session the Commission named Dr. Eduardo Bertoni to the post of Special Rapporteur for Freedom of Expression. The vacancy was widely announced and all interested persons were invited to submit applications. Of the 165 received, the Commission chose 20 for closer study and then interviewed 5 finalists. A wide-ranging discussion on the candidates led to a majority decision on which among several excellent applicants best met the job qualifications. Dr. Bertoni will take over the office in May of this year. At this time I would like to thank Dr. Santiago Canton for the tremendous amount he did to aid in the creation, organization and consolidation of the Office of the Special Rapporteur for Freedom of Expression. His professional demeanor, determination and dedication were part and parcel of the transcendental contribution he made to freedom of expression in the Americas.

The work carried out by the office in 2001 led to greater awareness of freedom of expression throughout the region, placing it at the forefront of matters to be further discussed within the inter-American system. Due in part to the efforts of the Office of the Special Rapporteur, some states have made notable progress with the repeal of laws restricting freedom of expression. Thus, both Costa Rica and Chile have repealed "desacato laws." In other countries, bills that would repeal restrictive laws have been introduced, showing that there is a growing awareness of the problems that such legislation entails. The Office hopes that such progress will continue and that other laws that unnecessarily constrain freedom of expression will also be repealed or brought in line with the times.

The Annual Report of the Office of the Special Rapporteur for Freedom of Expression is comprised of six chapters. Chapter I lays out the mandate and competence of the Office and the main activities carried out during the year. As part of its functions, the Office participated in the IACHR on-site visits to Panama and Colombia. Chapter II evaluates the state of freedom of expression in the hemisphere. The Office points out that journalists, the media and our societies in general continue to confront obstacles to freedom of expression, and that the assassination of journalists continues to be the most serious problem in the area of freedom of expression and information in the Americas. More than 9 journalists were assassinated in the course of 2001, a figure considerably higher than either of the previous two years. Moreover, the high level of impunity in cases of crimes against journalists places media workers in a situation of extreme vulnerability and danger. In addition to the assassination of journalists, the Office notes that in several countries other means are also used to silence the work of reporters and the media, such as psychological and physical threats and aggression, harassment and intimidation of journalists and media companies, and legal action initiated by the authorities with the aim of silencing the press. Moreover, contrary to the jurisprudence of the inter-American system, approximately 17 countries still have *desacato* laws on their statute books, and these are sometimes used to silence the media.

Chapter III is a report on action with respect to *habeas data* and the right to access of information in the hemisphere. The Office of the Special Rapporteur has surveyed laws and practices on access to information in member states, and recommends instituting policies promoting and disseminating information on these individual and collective rights as legal tools for achieving transparency in government, protecting personal privacy, and promoting accountability to and participation by society.

Chapter IV contains a report on media ethics. This section describes many of the ways in which the media can increase their level of professionalism and ethical responsibility. The Office of the Special Rapporteur also emphasizes that states should refrain from imposing codes of professional ethics on journalists, leaving this task to the media and media workers themselves.

Chapter V provides information on cases of freedom of expression in the inter-American system. It covers provisional measures and follow-up studies of the Inter-American Court, and reports on cases declared admissible by and precautionary measures requested of the IACHR during 2001.

Chapter VI of the report presents final considerations and recommendations aimed at promoting full respect for freedom of expression in the hemisphere. It recalls that states must make a firm commitment to respect freedom of expression as it is essential to the consolidation of democracy in the hemisphere.

Conclusion

Mr. Chairman, representatives, esteemed colleagues, ladies and gentlemen:

The ongoing search for ways to consolidate participatory democratic systems of government opens new opportunities for member states to support the inter-American human rights system. According to the will of the states themselves, the Commission and the Court exist to aid in the development of "a system of personal liberty and social justice," the ultimate goal as enunciated in the preamble to the American Convention on Human Rights. With this objective in mind, the Commission once again expresses its readiness and willingness to work with member states to fulfill our mandate to safeguard human dignity by protecting and promoting human rights. On behalf of the Commission, I would like to thank all member states that have helped the Commission honor our common commitment to the people of our hemisphere.

Thank you.