

OVERVIEW

In their Final Plan of Action issued following the Third Summit of the Americas in Quebec City, Canada in 2001, participating governments included specific commitments concerning the implementation of international obligations and respect for international standards in the field of human rights. In particular, states agreed to:

[c]ontinue promoting concrete measures to strengthen and improve the inter-American human rights system, in particular the functioning of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights (IACHR), focusing on: the universalization of the inter-American human rights system, increasing adherence to its founding instruments, complying with the decisions of the Inter-American Court and following up on the recommendations of the Commission, facilitating the access of persons to this protection mechanism and substantially increasing resources to maintain ongoing operations, including the encouragement of voluntary contributing, examining the possibility that the Court and IACHR will function permanently, and entrust the XXXI General Assembly of the OAS, which will take place in San Jose, Costa Rica, in June of this year, to initiate actions to meet the above-mentioned goals.

The OAS General Assembly included similar commitments in its Resolution 1890 (XXXII-O/02) on the “Evaluation of the Workings of the Inter-American System for the Protection and Promotion of Human Rights with a View to its Improvement and Strengthening,” adopted during its XXXII Regular Session in Barbados in June 2002. In this resolution, the General Assembly undertook, *inter alia*, to “continue taking concrete measures aimed at implementing the mandates of the heads of state and government on the strengthening and improvement of the inter-American human rights system, as set forth in the Plan of Action of the Third Summit of the Americas.” Among other initiatives, the General Assembly urged OAS member states to:

- Adopt such legislative or other measures as are necessary to ensure the application of inter-American human rights provisions within the states;
- Take the necessary steps to comply with the decisions or judgments of the Inter-American Court of Human Rights and make its best efforts to follow up on the recommendations of the Inter-American Commission on Human Rights;

The Inter-American Commission on Human Rights has likewise highlighted the need for improved implementation by OAS member states of standards in the inter-American human rights system, including in particular full compliance with Commission recommendations.¹

¹ The President of the Commission recently observed, for example, that the Commission’s review of follow up on implementation of the Commission’s recommendations showed no instances of full compliance, and emphasized that member states “must do everything possible to comply in good faith with the Commission’s recommendations.” Address by Juan E. Méndez, President of the Inter-American Commission on Human Rights, upon presenting the IACHR Annual Report for 2001 to the Juridical and Political Affairs Committee of the Permanent Council of the OAS (April 30, 2002).

In this context, the Inter-American Commission² together with the International Justice Project³ organized a one-day working session to address the challenges and possible solutions for OAS member states in implementing their international human rights commitments. This session, which also served as a follow up to a meeting of experts convened by the OAS Permanent Council's Committee on Juridical and Political Affairs on March 6-7, 2002 concerning support for the inter-American human rights instruments,⁴ constituted a one-day working meeting in which member state representatives heard from and interacted with panels of governmental and non-governmental experts on improving implementation of existing human rights obligations and standards. In order to maximize the interaction between state representatives and experts, participation in the event was limited to OAS member and permanent observer states.

The session was comprised of four panels: an introductory panel providing a context and overview of issues for the session, and three further panels focusing on legislative, judicial and intra-governmental mechanisms and initiatives to implement international human rights commitments. Simultaneous translation into the four official languages of the OAS was available, and panelists and participants were provided with a light breakfast, lunch and a reception at the end of the event.

² The Inter-American Commission on Human Rights is one of the principal human rights organs of the Organization of American States. Established in 1959 and comprised of seven independent jurists with recognized expertise in the field of international human rights, the Commission is charged with promoting respect for and the defense of human rights in the Americas, through such mechanisms as preparing studies and reports, conducting on-site visits, and taking action on individual petitions that allege violations of the system's human rights instruments.

³ The International Justice Project is an international human rights advocacy organization that works toward the development, coordination and increased employment of international law and human rights standards. Initiatives utilized by the Project include providing technical assistance and coordinating efforts to promote the employment of international law and human rights standards and sharing technical legal knowledge with governments, lawyers, students, international entities and organizations.

⁴ On March 7-8, 2002, the Juridical and Political Affairs Committee, in compliance with a request by the OAS General Assembly in its Resolution AG/RES.1929 (XXXI-O/01) convened a "Meeting of Experts on Support for the Inter-American Human Rights Instruments." The objective of the meeting was two-fold: to analyze the technical aspects of ratification processes and to observe some of the mechanisms used in various countries that might be useful; and to help participants at the meeting tap the experience acquired by various countries and the organs with regard to, inter alia, legislative reform conducted as a result of ratification of human rights treaties, enforcement of the treaties by national courts, means of verifying compatibility with constitutional provisions prior to ratification of a human rights treaty, the special circumstances that apply to federal states, the possibility of ratifying treaties with certain reservations and/or statements regarding interpretation, the mechanisms by which they are adopted, and international jurisprudence on the subject. See Agenda, Meeting of Experts on "Support for Inter-American Human Rights Instruments," OEA/Ser.G COP/CAJP-1854/01 rev.3 (20 February 2002), Explanatory Note. This and other documents pertaining to the Meeting of Experts, including the final report resulting from the meeting (in Spanish only), can be found at <http://www.oas.org/> .

