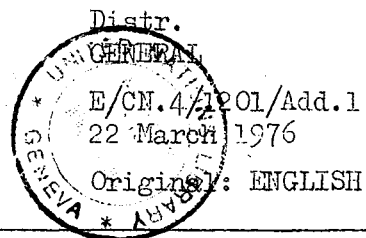


UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



COMMISSION ON HUMAN RIGHTS
Thirty-second session

INFORMATION SUBMITTED IN ACCORDANCE WITH ECONOMIC AND
SOCIAL COUNCIL RESOLUTION 1159 (XLI) REGARDING
CO-OPERATION WITH REGIONAL INTERGOVERNMENTAL BODIES
CONCERNED WITH HUMAN RIGHTS

Note by the Secretary-General

Addendum

The present note contains a report prepared by the Secretariat of the Inter-American Commission on Human Rights, issued on 25 February 1976 as document OEA/Ser.L/V/II.37 doc.5, which was transmitted on 26 February 1976 in response to the Secretary-General's request.

WORK ACCOMPLISHED BY THE ORGANIZATION OF AMERICAN STATES
IN THE FIELD OF HUMAN RIGHTS IN 1975TABLE OF CONTENTS

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A. GENERAL ASSEMBLY

Fifth regular session (8-13 May, 1975)

1. Annual Report of the Inter-American Commission on Human Rights

Pursuant to Article 52 (f) of the Charter of the Organization of American States and Article 9 (bis) c of its Statute, the Inter-American Commission on Human Rights submitted its Annual Report for the year 1974 1/ to the fifth regular session of the General Assembly of the OAS.

The report is divided into three sections, preceded by an introduction that refers to the provisions of the Charter of the Organization, the Statute of the Commission and the terms of Resolution XXII of the Second Special Inter-American Conference, which govern the presentation of the report and also provides a resume of the contents of the document.

Section One, an innovation added in accordance with Resolution AG/RES.171 (IV-O-74) of the fourth regular session of the General Assembly, includes an account of the origin, structure, legal bases and purposes of the Commission, as well as a summary of its budget and its relations with other organs of the system and with regional and world agencies of the same kind.

In accordance with paragraph 4 of the aforementioned Resolution XXII, Part I of Section Two contains constitutional, legislative and administrative provisions and court decisions handed down in the American states in 1973 and 1974, which, in the opinion of the Commission, denote progress toward the attainment of the objectives set forth in the American Declaration of the Rights and Duties of Man.

Part II of that same section indicates the areas in which it is recommended that measures be taken in order to give greater effect to human rights. While recognizing certain advances in some of the social, economic and cultural rights, such as low-cost housing projects, improved public health services and new educational techniques, the Commission recognized the fact that civil and political rights are being seriously impaired.

In this respect the Commission, as in its Annual Report for the previous year, remarked on the widespread use of violence as a means of attempting to impose political and social changes that has provoked serious and frequent violations to such basic rights as the right to life, liberty and personal security, to freedom of opinion and thought, as well as of political rights, particularly the right to vote.

The Commission gave special attention to the "apparently exaggerated" use of the constitutional power granted to the Executive Branch - generally under the supervision of Congress - to imprison, remove or expatriate persons on grounds of political security. By this means, men and women have been deprived of their liberty for many months without the slightest charge being formulated against them and without their having been brought to trial and, in some cases, without legal assistance.

A grave concern to the Commission is the practice of transferring persons detained from one place of imprisonment to another, often situated a great distance from one another, without the knowledge of their families or lawyers.

1/ OEA/Ser.P/AG/doc.520/75.

By virtue of these observations, the Commission deemed it appropriate to recommend:

1. That all the States issue precise rules - in accordance with the constitutional provisions in force - aimed at preventing the deprivations of liberty ordered in the exercise of the powers that the Constitutions usually grant for exceptional cases from being extended beyond what is absolutely necessary for the maintenance of the regularly established institutional order.
2. That the necessary rules be issued in all the States - in accordance with the constitutional provisions in force - aimed at specifying the scope of the writ of habeas corpus or "amparo" with respect to persons detained in the exercise of special powers, exceptional powers or state of siege, prescribing that the interposition of one of these appeals to a civil judge obligates the arresting authority in all cases to bring the person arrested before the judge, to deliver to him a complete copy of the arrest order, to inform him specifically where detention is taking place, and to exhibit the documentation justifying the regular nature of the arrest and inform him immediately of any subsequent transfer to another place.
3. That, in all the States that do not possess an organization of this type, there be established an office that centralizes information about persons deprived of their liberty on any grounds. To this end, the officials in charge of the establishments in which such persons happen to be, within the short period specified and under the most severe responsibility, shall send a detailed report concerning them, indicating the name they say they have and that appearing on their identity document, if the two are not the same; date of birth; complete address of their last residence or that of their family. The Central Office should process all these data, as well as those that are sent by cable or any other rapid means by the heads of such establishments within 24 hours after any new arrival or discharge, so that it can inform those who declare themselves to be relatives of the persons presumed to be detained or any attorney that requires such data.

In compliance with the aforementioned Resolution XXII, Article 150 of the Charter of the OAS and Article 57 of its Regulations, Part III of the second section of the Annual Report contains the appropriate observations to the General Assembly made with respect to cases in which violations of human rights have been proved and recommendations have been made to the governments concerned. The Annual Report for 1974 contains the resolution on Case 1757 (Bolivia).

A third section provides more details on the activities of the Commission in 1974 and is comprised of a synopsis of the cases being processed, a review of the General Work Programme of the Commission and other relevant information. The purpose of the section is to enable the General Assembly to form a more accurate opinion of the overall work carried out by the Commission.

At its sixth plenary session held on 19 May, 1975, the General Assembly of the Organization adopted the following resolution: 2/

2/ AG/RES.192 (V-O/75). See OEA/Ser.P/V-O.2, Vol. I, p. 30.

THE GENERAL ASSEMBLY

HAVING SEEN the annual report presented to its fifth regular session by the Inter-American Commission on Human Rights (AG/doc. 520/75),

RESOLVES:

To take note of the annual report of the Inter-American Commission on Human Rights and to thank the Commission for the important work it has been doing.

2. Report of the Inter-American Commission on Human Rights on "The Status of Human Rights in Chile"

The Permanent Council of the OAS, on 4 December 1974, took up the report of the Commission on the examination in loco that was carried out 22 July - 2 August 1974, in the Republic of Chile, 3/ and decided, inter alia, "to refer, in due time, to the General Assembly, at its fifth regular session, at the request of the Delegation of Chile formulated in that same meeting, the report of the Inter-American Commission on Human Rights on the 'Status of Human Rights in Chile', the observations of the Government of Chile and any additional report of the Commission on those observations". 4/

With respect to the Report of the Commission, at its sixth plenary session held on 19 May 1975, the General Assembly of the Organization adopted the following resolution: 5/

REPORT OF THE INTER-AMERICAN COMMITTEE ON HUMAN RIGHTS ON
"THE STATUS OF HUMAN RIGHTS IN CHILE"

WHEREAS:

It has received the report of the Inter-American Commission on Human Rights on "The Status of Human Rights in Chile", based upon materials presented to the Commission by various sources, including the Government of Chile, and on its in situ investigation of the facts during its visit to Chile from 22 July to 2 August 1974;

This report, together with the observations of the Government of Chile, was sent to the United Nations and was considered at the Thirty-first Session of the United Nations Commission on Human Rights;

As a result of this consideration, in which seven member States of the OAS took part, the United Nations Commission on Human Rights unanimously decided to send a working group to Chile to study the present status of human rights in that country; and

3/ OEA/Ser.L/V/II.34, doc. 21, corr.1

4/ OEA/Ser.G/CP/INF.607/74

5/ AG/RES.190 (V-O/75). See OEA/Ser. P/V-O-2, Vol. I, p. 27

Consequently, both the Inter-American Commission on Human Rights and the next session of the General Assembly will have the additional benefit of a report based on further investigations to assist them in their work in the coming year,

THE GENERAL ASSEMBLY

RESOLVES:

1. To take note, with appreciation, of the report of the Inter-American Commission on Human Rights on "The Status of Human Rights in Chile", as well as the observations of the Government of Chile on that report.

2. To take note, with approval, of the acceptance by the Government of Chile of the visit of the working group of the United Nations Commission on Human Rights.

3. To respectfully call upon all the governments, including the Government of Chile, to continue to give the most careful attention to the suggestions and recommendations of the Inter-American Commission concerning human rights.

4. To request the Inter-American Commission to secure, by all appropriate means, additional information, to consider that information, and to submit a report on the status of human rights in Chile to the next session of the General Assembly, ensuring that the Government of Chile has reasonable time to submit its own observations.

B. INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The Commission held two regular sessions during the course of the year 1975.

1. The thirty-fifth session^{6/}

This session of the IACHR took place 20-30 May 1975 in Washington, D.C. and was attended by all of its members: Drs. Andrés Aguilar (Chairman), Carlos A. Dunshee de Abranches (Vice Chairman), Manuel Bianchi, Gabino Fraga, Justino Jiménez de Aréchaga, Robert F. Woodward and Genaro R. Carrió.

The Commission initiated the study of the denunciations that it had received since the close of the thirty-fourth session and in those cases deemed admissible, it was decided to request either additional data from the claimants or the appropriate information from the governments concerned, according to the circumstances of the case.

Likewise, the Commission continued its examination of cases already under consideration from previous sessions, which referred to alleged violations of human rights in Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Paraguay, United States and Uruguay. In these cases the Commission named a rapporteur on the basis of whose report and recommendations the cases were examined and decisions were made which were forwarded to the governments concerned and to the claimants.

^{6/} More complete details can be found in the document "Report on the Work Accomplished by the IACHR during its thirty-fifth session" (OEA/Ser.L/V/II.35, doc. 45 rev.1).

The Commission adopted resolutions on four cases relating to Cuba and in addition considered a draft report on the situation of human rights in that country which had been prepared by the Secretariat at the request of the Commission. The IACHR expressed its concern regarding that situation and noted that the government of Cuba regrettably persists in its position of not answering the request for information of the Commission, thus not allowing the IACHR to act on cases referring to Cuba in the same manner as those involving other countries. It was decided to continue the study of the draft report at the thirty-sixth session so that the report might be submitted to the Organization of American States.

Also considered by the Commission at this session was the resolution adopted by the General Assembly to the OAS on the "Report on the Status of Human Rights in Chile". The resolution requested the Commission "to secure, by all appropriate means, additional information, to consider that information, and to submit a report on the status of human rights in Chile to the next session of the General Assembly, ensuring that the Government of Chile has reasonable time to submit its own observations". To that end the Commission agreed to convene the standing sub-committee in August of 1975 so that it decide, on the basis of the opinions furnished by the members, the steps that should be taken on the matter.

Due to the number of cases considered at this session it was not possible to take up matters regarding the General Work Programme of the Commission, the purpose of which is to promote, in the broadest possible fashion, the knowledge and observance of human rights in the American States.

2. The thirty-sixth session^{7/}

This session was held 6-24 October 1975, at the seat of the Commission in Washington, D.C., and was attended by all of the members.

During that period the Commission examined more than one hundred cases submitted to its consideration dealing with alleged violations of human rights in eighteen of the member states of the Organization.

In these cases the Commission appointed rapporteurs from among its members whose recommendations were submitted to the consideration of the Commission. The accords reached in each case were conveyed to the governments concerned and to the claimants.

At this session the Commission considered the report of its Ad hoc sub-committee which had met in August 1975 to study the best way to implement the resolution, adopted at the fifth regular session of the General Assembly of the OAS in May 1975, requesting the Commission "to submit a report on the status of human rights in Chile to the next session of the General Assembly". After a full discussion, an outline of the new report was agreed upon and it was decided to hold a special session during the first week of February 1975 at which time the report requested by the General Assembly will be completed. In addition, a working group was named to decide what information it would be necessary to request from the Government of Chile and from other sources that would be helpful in the preparation of the report.

^{7/} More complete details can be found in the document "Report on the Work Accomplished by the IACHR during its thirty-sixth session".

Likewise, the Commission approved a report containing recent material on the general situation of human rights in Cuba, prepared by the Secretariat, which will be transmitted opportunely to the competent bodies of the Organization.

The Commission also worked on the Annual Report that it is to present to the General Assembly in April 1976 and examined those aspects that will be included in Part II of that report in which appears "a statement of areas in which further steps are needed to give effect to the human rights set forth in the American Declaration".

The Annual Report for 1975 will also contain resolutions by which the Commission has made recommendations to the Governments of Bolivia (Case 1798), Chile (Cases 1790, 1858 and 1874), Cuba (Cases 1742, 1805, 1834 and 1847), Guatemala (Cases 1702, 1748 and 1755) and Haiti (Case 1905).

The Commission discussed its programme-budget and decided to request that the Organization restore the funds that had been eliminated two years ago and which had caused postponement of the seminar series and other activities, especially in the area of the promotion of human rights.

With regard to the American Convention on Human Rights, the Chairman of the IACHR, Dr. Aguilar, after the close of this session visited Jamaica, Barbados and Trinidad and Tobago and spoke with officials about the adhesion of those member states of the OAS to the Pact of San José, Costa Rica and the formation of national committees on human rights. A visit to Grenada for the same purpose is also envisioned.

As a contribution to the celebration of the International Women's Year, the IACHR adopted a resolution that recommends that the governments of the member states of the OAS adopt the progressive measures necessary to eliminate all forms of discrimination for reason of sex.

The number of allegations of violations of human rights limited discussion of the Commission's General Work Programme. However, a study was presented on the remedy of "habeas corpus" and the suitability of holding a seminar on the topic of "Minimum standards of treatment for persons deprived of their physical liberty" was discussed.

As part of the General Work Programme, the Chairman requested the governments of the member states to present candidates to the Rómulo Gallegos Fellowship Programme that the Commission sponsors for graduate work in the field of human rights.

C. INTER-AMERICAN COMMISSION OF WOMEN

During 1975 the Inter-American Commission of Women (CIM) carried out numerous activities pursuant to the fulfillment of its objectives, which are summarized in its Organic Statute as "to work for the extension of civil, political, economic, social and cultural rights to the women of the Americas ...".

The Commission is presently chaired by Ambassador Isabel Arrúa Vallejo, President of the Commission and Principal Delegate of Paraguay. The Vice-President is Dr. Rita Z. Johnston, Principal United States Delegate to the Commission and the members of the Executive Committee are: Argentina, Chile, Costa Rica, Honduras, Trinidad and Tobago, and Venezuela. The present Executive Secretary of the CIM is Dr. Isabel Chaly Caserta.

The Executive Committee, which is charged with seeing to the implementation of the mandates and policies issued by the Assemblies of the Commission, many of which pertain directly to the area of human rights, held three Special Sessions and two Regular Sessions during calendar year 1975.

The following regional meetings of experts were among the activities carried out with the idea of identifying target areas for the thrust of the programmes of the CIM and with the underlying tenet that there is a need to prepare women for the exercise and application of their rights at the same time as they are preparing to assume their concomitant duties within the overall context of participation in the integral development of their respective countries:

- Seminar on the Relationship between the Needs and the Status of Health of Working Women in Latin American - La Paz, Bolivia - 16-19 September 1975.
- Regional Seminar on Women's Bureaus - Washington, D.C. - 10-14 November 1975.

The above-mentioned activities also marked a new orientation in the CIM as they were designed to identify those governmental mechanisms most influential in the areas studied and to design methods to (a) ensure a proper orientation toward the problems of women and (b) to strengthen their impact in these areas.

In recognition of the importance of the International Women's Year (IWY), the General Assembly of the Organization of American States, adopted, through the efforts of the CIM, resolution AG/RES. 161 (IV-O/74) "International Women's Year", thereby endorsing the proclamation of IWY issued by the United Nations General Assembly. The adoption of this resolution committed the Inter-American system to a programme of positive action aimed at the achievement of the purposes of IWY, which are summarized as: Equality, Development and Peace.

The international community has recognized that women do not enjoy equality of opportunity and that de facto discrimination prevents them from participating in the development of their communities and at the same time is detrimental to their countries because of the waste of the human potential represented by women.

At the same time, the OAS Charter declares the equality of rights, which is intimately linked to the equality of opportunity, which must be encouraged in all attempts to develop the individual without discrimination based on sex, religion or race. At the recommendation of the CIM, not only the General Assembly, but the Inter-American Council for Education, Science and Culture, the Inter-American Council for Economic and Social Affairs and the Permanent Council and various of the Specialized Organizations of the system adopted resolutions supporting International Women's Year.

The Commission adopted a programme designed for the observance of IWY which, operating at three levels - international, regional and national - contains programmes designed to reinforce the CIM activities which are all aimed at carrying out the objectives of the CIM.

The Commission has directed its efforts at implementing the objectives of IWY both through its own programme of activities and through the promotion and co-ordination of the pertinent activities of the organs and organizations of the system, in order to see to it that the response of the inter-American system to IWY was a solid one, with a well-designed congruent set of activities co-ordinated to improve the status of women.

Of outstanding importance to the IWY efforts of the CIM was the meeting of the Special Committee of the Inter-American Commission of Women on Studies and Recommendations for the World Conference on International Women's Year (CEER/CIM), held in Caracas, Venezuela, from 26-28 May for the purpose of studying and approving the recommendations and stands that the CIM would take in the World Conference on IWY, held in Mexico City from 19 June to 2 July 1975.

The following publications of the Commission are useful in disseminating news regarding the work of the CIM: Informational Bulletin (monthly in English and Spanish), Enlace (annually in English and Spanish), News Bulletin (annually in English and Spanish). In addition to these regular publications, the CIM publishes studies and research papers concerning many of the different aspects of the status of women.

D. INTER-AMERICAN INDIAN INSTITUTE

The Inter-American Indian Institute, an OAS specialized agency head-quartered in Mexico City, was established under the 1940 Inter-nation Convention and is comprised of seventeen member countries. The basic function of the Institute is to co-ordinate the Indian policies of those countries and to promote research and the training of persons interested in the area. The Institute is directed by Dr. Gonzalo Rubio Orbe.

Among the recent personnel training courses that have been carried out, the following may be pointed out:

A Seminar-Course on Anthropology, Indian Affairs and Education, held in Conchalio, El Salvador during the period 25-31 August 1974 which afforded the opportunity to learn the rich values that were the cultural expression of the Indian races of El Salvador and to raise the awareness of such values and a better understanding of Indian affairs. This course was attended by 56 professionals, mainly educators from schools located in Indian and rural areas.

The Second Inter-American Course on Indian Affairs Study and Practice, held in Mexico City from 14 October to 12 December 1974, the purpose of which was to establish an exchange of information; study in the field of Indian affairs programmes and appreciation of the experiences and work that Mexico is carrying out on behalf of the Indian population. High level civil servants from six member countries of the Institute participated in this course.

The Seminar-Course on Education and Rural Sociology, held in La Catalina, Costa Rica from 18-28 February 1975 for educators in Talamanca. This Seminar-Course adopted a resolution referring to the promotion of research on cultural and linguistic models so that the teachers might make their educational plans adaptable to the communities of Talamanca.

The Fourth Seminar-Course on Education, Anthropology, Indian Affairs and Development took place 3-15 May, 1975 in Santa Barbara de Heredia, Costa Rica. Taking part in the course were professors, teachers and advanced students, all of them Indians, as well as specialists in social problems. Among the courses given were Indianism; Education of Indian Children; Social and Educational Anthropology; Methods of Social Research; and Community and Regional Development.

A Seminar-Course on Anthropology, Indian Affairs and Development was held in Bananal Island, Brazil from 4-29 August, 1975. This course was particularly directed to problems encountered by the Amazonian peoples and offered topics such as Applied Social Anthropology; Community Development; Methods and Techniques of Social Research and Education of Young and Adult Indians.

On 19 June 1975 the Governing Council of the Institute met in Mexico City and received the report of the Director in which he referred to such topics as an analysis of the general principles that have guided the work of the Institute; the work carried out, especially in the fields of fellowships, seminars and the publications of the Institute. Accepting an invitation from the Government of Argentina, it was decided to hold the next Indian Congress in that country.

With regard to publications, the Inter-American Indian Institute published the magazine America Indigena, recent issues of which were devoted to Indian Affairs in Venezuela, Costa Rica, Ecuador, Peru and the Indian woman. It also published the Anuario Indigenista, which contains important official documents and scientific articles.

In addition, two books were published by the Special Editions Section of the Institute along with three volumes in tribute to Dr. Gonzalo Aguirre Beltrán.

The Institute sponsored research on "Chicha and its social repercussions among the Cuna Indians" of Panama and provided technical assistance to two doctoral candidates doing anthropology research.

In order to make known and co-ordinate the Institute's work with the governments of the member countries and with specialized agencies, the Director visited several countries. Efforts were also made to keep the diplomatic representatives of the various states informed of the Institutes activities.