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COMMISSION ON HUMAN RIGHTS
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**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS**

Information submitted by the Ibero-American Ombudsman Federation

Note by the secretariat

The secretariat of the Commission has received the following communication* which is reproduced below in accordance with the decision adopted by the Commission at its fifty-seventh session that, if requested, information or reports received from national institutions on their regional meetings might be circulated as documents of the Commission (E/2001/23-E/CN.4/2001/167, para. 22).

* Reproduced in the annex as received, in the language(s) of submission and English.

Annex

PANAMA DECLARATION

The People's Advocates, Procurators, Purveyors of Justice, members and Presidents of public human rights commissions meeting at the eighth Annual Congress of the Ibero-American Ombudsman Federation (FIO) in Panama City, Panama, between 18 and 21 November 2003, hereby approve the following DECLARATION:

1. They *recognize* the important role played by ombudsmen in guaranteeing that human rights are upheld and respected as a basic condition of democratic life;
2. They *back* regional efforts to maintain the democratic system as a form of government by strengthening the rule of law;
3. They *reiterate* their concern at the problems which continue to hamper the overall development of their societies and obstruct individuals' right to a decent life, and *urge* States to favour the adoption of policies allowing the basic right of free access to public information to be guaranteed as a vital means of ensuring transparency and resisting the scourge of corruption;
4. They *urge* States and the international community to undertake to strengthen freedom of expression and the right to be informed, guaranteeing the right to receive truthful and timely information from a variety of sources as a contribution to civic education and the strengthening of democracy.

They *confirm* their commitment to democracy, reject all violent, unconstitutional displays against the democratic system, the rule of law and human rights, and hence *invite* efforts to arrive at peaceful settlements to conflicts.

5. They *reiterate* the need for disarmament in Central America, demilitarization and control over private security services;
6. They *recommend* States in the region to devise a comprehensive public policy on migration, coordinated at the highest levels of government, with appropriate technical assistance and the participation and support of all sectors, public and private, involved, especially the pertinent FIO member body, non-governmental human rights organizations in general and migrants' rights organizations in particular;
7. They *reaffirm* their commitment to circulate the *First Report on Human Rights*, on the subject of migrants, produced by the Federation and coordinated by the University of Alcalá de Henares in the Kingdom of Spain;
8. They *urge* States to ratify international agreements on and indirectly relating to migration, in particular those originating at the United Nations and in the Inter-American and European systems;
9. They *confirm* their commitment to publicize the scope and content of Advisory Opinion 18 issued by the Inter-American Court of Human Rights on the situation of undocumented migrant workers;

10. They *undertake* to continue to study and publicize international human rights law and international humanitarian law, and *reiterate* their appeal to States to ratify or accede to international and regional agreements on the subject;
11. They *back* moves to strengthen international and regional systems for the protection of human rights, recommend a study on the feasibility of direct presentation by victims or their representatives of their cases to the Inter-American Court of Human Rights, and *enjoin* States in the region to comply with decisions by international human rights bodies;
12. They *reiterate* their interest in closer cooperative links with the Inter-American system for the protection of human rights;
13. They *voice* the importance of closer collaboration with the recently created technical secretariat of the Ibero-American Summit of Presidents and Heads of State;
14. They *recommend* States that have not yet done so to sign and thereafter ratify the Optional Protocol to the United Nations Convention against Torture adopted in December 2002, which establishes a novel mechanism for preventing torture by means of a national and international mechanism for visiting places of detention;
15. They *request* regional Governments currently negotiating free trade agreements to ensure that those agreements contain guarantees of respect for human rights;
16. They *reiterate* their interest in cooperating over human rights matters with the various regional integration bodies;
17. They *welcome* the agreements proposed by the Network of Women's Advocates in its Declaration to the eighth Annual Congress of FIO, appended to this Declaration, and undertake to publicize their contents. Paragraph 6 of the said Declaration will be taken up when the Federation returns to the discussion on the reform of its statutes.
18. They *repudiate* the harassment and beleaguering of human rights defenders and the institutions they represent, considering them to be attacks on democracy and human rights;
19. They *voice* serious concern at the scant budgetary support afforded to ombudsmen's offices in the region, which hampers their efforts to promote and protect human rights and follow up on the commitments undertaken by States in international agreements on the subject;
20. They *reiterate* their support for recent efforts by the Office of the Procurator for Human Rights in Guatemala, and *repudiate* any act that might tend to belittle its mission;
21. They *repudiate* the threats made against the Procurator for Human Rights in El Salvador and her staff, and back the Procurator's recent efforts to promote human rights in that country, along with the recommendations for support made by the United Nations Commission on Human Rights;
22. They *reiterate* their support for the work of the Ombudsman's Office in Colombia in trying circumstances made highly risky by the resurgence of internal armed conflict and serious human rights violations;

23. They *have learned* with satisfaction of renewed efforts in Chile to establish a constitutional institution of Citizens' Advocate (ombudsman) through the submission of the pertinent initiative to the Chamber of Deputies for discussion. The Federation hopes that the endeavour will bear fruit this time and that Chile will swiftly join those Ibero-American nations that have such a device for the protection and promotion of human rights;
24. They *repeat* their plea to the Senate of the Dominican Republic to conclude the process of appointing the country's first ombudsman;
25. They *request* the authorities in the Federative Republic of Brazil and the Eastern Republic of Uruguay to join the Ibero-American ombudsman movement, this being a legitimate aspiration of all in the region and essential to democracy and the rule of law;
26. They *reiterate* their distress at the tragic demise of Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights, and offer the Ibero-American Ombudsman Federation's renewed support for the efforts of the Deputy High Commissioner, Bertrand Ramcharan;
27. They *reiterate* their interest in continuing to work and collaborate with the Network of National Human Rights Institutions of the Americas;
28. They *congratulate* the Governing Council under the chairmanship of Dr. Eduardo Mondino, the National Ombudsman of Argentina, on its work to strengthen the Federation during its period in office;
29. They *reiterate* their gratitude for the efforts made by the Inter-American Institute of Human Rights as the technical secretariat of FIO and in promoting and consolidating the image of the ombudsman in the region;
30. They *voice* their gratitude for the Ibero-American regional support programme for ombudsman, which is being executed with funds from the European Union, the Spanish Agency for International Cooperation and, especially, the University of Alcalá de Henares;
31. They *express* their thanks to the Ombudsman of the Republic of Panama, Juan Antonio Tejada Espino, for organizing the eighth Annual Congress of FIO and to the people of Panama for their welcome and hospitality, and *voice* their satisfaction that these agreements will be known as the PANAMA DECLARATION.

Done at Panama City, Panama, on 20 November 2003.
