

# Speech

Organization of American States



**LUIGI R. EINAUDI, ACTING SECRETARY GENERAL OF THE  
ORGANIZATION OF AMERICAN STATES  
AT THE OPENING OF THE 122ND REGULAR PERIOD OF  
SESSIONS OF THE INTER-AMERICAN COMMISSION ON  
HUMAN RIGHTS  
February 24, 2005 - Washington, D.C.**

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Mr. Chairman of the Permanent Council, Ambassador Manuel Maria Caceres,  
Distinguished Permanent Representatives,  
Observers,

Mr. Chairman, Clare K. Roberts

Madame First Vice-President, Susana Villarán

Mr. Second Vice-President Paulo Sérgio Pinheiro

Members of the Commission, José Zalaquett, Evelio Fernández Arévalos, Freddy  
Gutiérrez y Florentín Meléndez.

Mr. Executive Secretary of the Commission, Santiago Canton,  
Ladies and Gentlemen:

The opening of this 122nd Regular Period of Sessions of the Inter-American Commission on Human Rights reminds us yet again that these are challenging times for our hemisphere, for the protection of human rights and for our Organization.

In a world marked by national and regional differences as well as global aspirations, the OAS has a great responsibility to support progress in the essential common undertakings defined by its member states: promoting good governance, strengthening representative democracy, protecting human rights and fundamental freedoms, and expanding opportunities for all while fostering social justice and the full realization of human potential.

The Inter-American Democratic Charter reminds us that "the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society." The Inter American Commission on Human Rights earned the status it enjoys today by fighting abuse and dictatorship; now, it is the continuous strengthening of the inter-American human rights system that is essential if we are to consolidate democracy and the rule of law

News reports remind us daily that shared risks give rise to the need for collective responsibility as a means of ensuring our common security. The member states of the OAS are all signatories to the Inter American Convention against Terrorism. Last week in Port of Spain, Trinidad and Tobago, at the Fifth Regular Session of the Commission against Terrorism (CICTE), they reaffirmed that steps to improve citizen security and combat terrorism must be respectful of human rights and the rule of law. The Inter American Commission on Human Rights articulated and documented this imperative with its report on human rights and terrorism.

In seeking poverty reduction and sustainable development, the member states have also committed themselves to achieving the inclusion and participation of groups that have historically been marginalized. Through its thematic rapporteurships, the Commission plays an indispensable and sometimes pioneering role in defending the rights of women, indigenous peoples, migrant workers and their families, children, displaced persons and persons deprived of liberty. In doing so, the inter-American human rights system supports regional goals in ways that advance universal human rights principles.

The inauguration of a session of the Commission is a good opportunity to appreciate that its work is not a matter of aspiration, but of the steady application of safeguards to protect basic rights. This a moment to recognize that progress is being made, and to rededicate our collective efforts toward the

crucial human rights challenges we face in our hemisphere. The Commission's individual case system, on-site visits, thematic rapporteurships, and a wide range of case, country, thematic and other reports enable the Commission to ensure that the protection of human rights is understood in relation to the rights of individual human beings. The Commission's use of urgent measures of protection saves lives.

As the Charter organ responsible for promoting and protecting human rights in the Americas, the Commission plays a crucial role in evaluating the situation of respect for democracy and the rule of law, providing guidance to member states aimed at reinforcing and strengthening the protection of human rights at all levels, and calling attention to areas of urgent concern. As a citizen of the Americas, I feel one area of urgent concern today is the need to ensure due process for all accused under the law, regardless of the crime alleged or the individual accused.

I have a second area of urgent concern, one that is critical to our institutional survival. Ladies and gentlemen, the importance of respect for human rights, and the indispensable role the Commission and Court play in this hemisphere, have led the member states to be unequivocal in calling for the strengthening of the inter-American human rights system.

Yet this call has been hampered for some time by budgetary and operational challenges. The OAS cannot meet its mandates and respond effectively to change, without changing its ways and obtaining an increase in the resources available to it.

Improving coordination and reducing costs were central objectives in the just completed reform of the structure of the General Secretariat of the OAS. We have moved away from the highly decentralized structure that had evolved over the past decade to a simplified and modernized departmental structure, whose heads form the cabinet of the Secretary General. Three new Departments -- Multidimensional Security, Democracy and Political Affairs, and Integral Development -- were initially to have been accompanied by a fourth new Department, a Department of Human Rights, the four to be charged with integrating the many issues falling into their respective areas. Last month, without altering the basics of the new overall structure, I replaced the Department of Human Rights with the Executive Secretariat of the Inter-American Commission on Human Rights. This, I believe, restores the Commission to the place that, on matters of both principle and history, it deserves. The Commission's independence and functional autonomy are crucial to its ability to discharge its mandate.

This still leaves unanswered the question of obtaining resources for the Commission and for the Organization as a whole. The protection of human rights requires a Commission that has sufficient institutional capacity not only to react to pressing situations, but to respond with agility to the increasing breadth and complexity of its mandate.

In an attempt to effect significant savings across the Organization to offset increases in staff costs and other non-discretionary costs budget of the Commission's Executive Secretariat for 2005 was deeply and disproportionately cut.

We are now preparing the 2006 Budget. This must include all statutory and non-discretionary costs within the same budgetary ceiling as in 2005. This means that we will be forced once again to make deep cuts across the Organization to balance the Budget. The cuts required for 2006, more than \$4.4 million, will be almost double what they were in 2005.

The Executive Secretariat of the Commission has brought to my attention that the sums within which it is required to prepare its 2006 proposal were based on its already sharply cut 2005 budget. If not increased, the proposed level of funding could prevent the Commission from holding its second session, hamper observer visits to member states, and limit participation in hearings of the Inter-American Court of Human Rights.

The Court of Human Rights has at the same time asked for a doubling of its budget, from \$1.4 million to \$2.8 million dollars to attend to its increasing

workload. The Court has fared better than most areas of the Organization in that it has not seen its budget reduced over the past several years. Nonetheless – it is clear that the Court too requires additional resources.

There is not much I as Acting Secretary General can do in the short term for the Court, but I am working hard to restore as much of the funding as possible to the Executive Secretariat of the Commission. This will force us to rob Peter to pay Paul. The entire Organization has suffered under prolonged stagnant budgets despite rising inflation and rapidly increasing non-discretionary costs.

The bottom line is somber: Unless member states make a concerted effort to place the Organization's finances on a sound footing, even our most cherished institutions, such as the Commission and Court, will become ineffective from a lack of funds at a moment in history when all agree they are more needed than ever.

Thirteen months ago, gathered in an interim Summit in Monterrey, Mexico, the democratically elected heads of state and government of the Americas put "The strengthening of and respect for the rule of law, [and] the defense of human rights and fundamental freedoms" at the head of their list of the essentials required to promote and consolidate representative democracy.

I pledge every effort to ensure that the next OAS General Assembly this coming June and the next Summit of the Americas, scheduled for the first week of November in Mar del Plata Argentina, is put in a position to ensure that the priorities articulated in Monterrey can be put into practice. The Inter American human rights system is vital to our common future.

Thank you.

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