

USOAS FACT SHEET

The United States and Achievements of the 41st OAS General Assembly

Under Secretary of State for Political Affairs William J. Burns led the U.S. delegation to the 41st Regular Session of the OAS General Assembly, held in San Salvador, El Salvador, from June 5-7, 2011. The theme of this year's General Assembly was "Citizen Security in the Americas," chosen in response to growing public concerns about rising crime and insecurity in many countries of the region.

Declaration of San Salvador: Citizen Security in the Americas

Member states unanimously adopted the Declaration of San Salvador, calling on the OAS to craft a concrete plan of action to address the security challenges facing the citizens of the Americas. The United States provides nearly \$11 million annually for OAS programs and activities to confront the threats posed by transnational organized crime, corruption, money laundering, drug traffickers, the demand for narcotics, terrorist networks and the illicit trade in firearms, as well as post-conflict demobilization efforts in Colombia. The complete text of the Declaration of San Salvador is available [here](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-37) (http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-37).

Upcoming Summit of the Americas Theme Announced

Colombia, host of the Sixth Summit of the Americas, announced that "*Connecting the Americas: Partners for Prosperity*" will be the theme of the meeting to be held April 14-15, 2012, in Cartagena. While infrastructure development will be an important topic of discussion, sub-themes include poverty and inequality, citizen security, natural disasters and access to technology. The OAS is the secretariat of the Summits of the Americas process.

Freedom of Assembly and Freedom of Association in the Americas

The General Assembly adopted the first-ever OAS resolution on promoting respect for the freedoms of assembly and association, adopted as resolution AG/RES. 2680 (XLI-O/11). As a result, the OAS will hold a meeting to promote these freedoms and related best practices within the member states, as well as undertaken efforts to strengthen civil society participation at the OAS. Presented by the United States in order to build on recent gains at the United Nations Human Rights Council and the Secretary's initiative on civil society, the resolution was co-sponsored by Canada, Chile, Guatemala, Mexico, and Panama.

Freedom of Thought and Expression The General Assembly adopted by consensus a U.S.-sponsored resolution on Freedom of Expression, adopted as resolution AG/RES. 2679 (XLI-O/11). This resolution failed to garner consensus at last year's General Assembly. This year's draft was co-sponsored by Canada, Guatemala, and Panama, and calls upon OAS member states to adopt all necessary measures to prevent violations of the right to freedom of thought and expression.

Elections to the Inter-American Commission on Human Rights

The General Assembly also elected new members to the independent Inter-American Commission on Human Rights (IACHR). In addition to re-electing Felipe Gonzalez (Chile) to the Commission, OAS member states elected Rosa María Ortiz (Paraguay), Tracy Robinson (Jamaica), and Rose-Marie Bella Antoine (Belize). The United States congratulates all newly elected members of the IACHR. The OAS created the IACHR in 1959 to promote and defend human rights in all OAS member states. Located in Washington, DC, the IACHR's high degree of political autonomy distinguishes it from other multilateral organizations' human rights entities. Its seven commission members are elected in their own right as individuals, not as representatives of governments.

Seventh Annual Private Sector Dialogue

With the theme of “Citizen Security and Competitiveness,” this meeting brought together public and private sector representatives to discuss five key priorities. These include: business climate, corporate social responsibility, public-private responsibility, small and medium enterprises (SMEs), and innovation and competitiveness.

Next OAS General Assembly

The 42nd Regular Session of the General Assembly of the Organization of American States will be held in Cochabamba, Bolivia, from July 8 to 10, 2012.

###

AG/RES. 2680 (XLI-O/11)

**“PROMOTION OF THE RIGHTS TO FREEDOM OF ASSEMBLY
AND OF ASSOCIATION IN THE AMERICAS”**

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

BEARING IN MIND the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, which establish that all persons shall be entitled to freedom of peaceful assembly and association;

TAKING INTO ACCOUNT resolutions AG/RES. 2579 (XL-O/10) “Human Rights Defenders: Support for Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas”; AG/RES. 2612 (XL-O/10) “Increasing and Strengthening Civil Society Participation in the Activities of the Organization of American States and in the Summits of the Americas Process”; AG/RES. 2344 (XXXVII-O/07) “Citizen Participation and Strengthening of Democracy in the Americas”; AG/RES. 2351 (XXXVII-O/07) “Civil Society Organizations and the Protection of Human Rights and Promotion of Democracy”; AG/RES. 1915 (XXXIII-O/03) “Increasing and Strengthening Civil Society Participation in OAS Activities,” CP/RES. 759 (1217/99), “Guidelines for the Participation of Civil Society Organizations in OAS Activities,” CP/RES. 840 (1361/03), “Strategies for Increasing and Strengthening Participation by Civil Society Organizations in OAS Activities”, and the “Declaration on

the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”;

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

REAFFIRMING that every state has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American states shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems;

CONSIDERING that the freedom of peaceful assembly and association, and to seek, receive, and impart information and ideas of all kinds by any medium whatsoever, is provided for in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Inter-American Democratic Charter, as well as in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

REAFFIRMING that each state has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the state shall respect the rights of the individual and the principles of universal morality;

REAFFIRMING that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association;

REAFFIRMING that the elimination of all forms of discrimination, particularly gender, ethnic, and racial discrimination and the different forms of intolerance, and the promotion of the human rights of indigenous peoples and migrants and of respect for ethnic, cultural, and religious diversity in the Americas contribute to strengthening democracy and citizen participation;

REAFFIRMING the recognition made at the 1993 World Conference on Human Rights that all human rights are universal, indivisible, interdependent, and interrelated, and the call it made on all governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression, and religion;

NOTING the recent establishment of a mandate for a Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association by the UN Human Rights Council through UN Human Rights Council resolution A/HRC/RES/15/21;

CONCERNED that situations exist in the Americas that directly or indirectly prevent or hinder the work of governments, individuals, or independent democratic groups, or organizations working to promote and protect human rights and fundamental freedoms;

RENEWING its trust in the commitment of all the countries to find ways to achieve the well-being of their peoples and to reinforce the universal values of sovereignty, liberty, independence, peace, solidarity, the common good, peaceful coexistence and the rule of law, and respect for human rights for this and for future generations; as well as to ensure social justice and equality before the law without any kind of discrimination;

CONCERNED ALSO about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms;

REAFFIRMING ALSO that every American state has the duty to respect the rights enjoyed by every other state in accordance with international law;

STRESSING that the fundamental rights of states may not be impaired in any manner whatsoever;

RECOGNIZING:

The importance of participation by civil society organizations and other social actors in consolidating democracy in all member states;

That all social actors, including civil society organizations, can contribute to the workings of the bodies and organizations of the inter-American system; and

That exercising the rights to freedom of peaceful assembly and of association, in line with the parameters set by international law, in particular international human rights law, is indispensable to the full enjoyment of these rights, particularly where individuals may espouse minority or dissenting religious or political beliefs,

RESOLVES:

1. To urge member states to adhere to or ratify, or both, as applicable, the American Convention on Human Rights and the other instruments of the universal inter-American system for the protection of human rights.

2. To urge member states to promote and foster various forms of community citizen participation in decision-making processes related to integral development, thus helping to resolve problems affecting them, to ensure that the benefits of democracy are shared by society as a whole, and to strengthen and consolidate democracy and human rights.

3. To call upon member states to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are within the framework of national constitutions and laws and in accordance with their obligations under international human rights law and agreements.

4. To recommend that member states promote and strengthen alternative methods of communication and information.

5. To again recommend to member states that they develop and, as the case may be, expand networks of information on public policies and programs in order to enable citizens to play a much more effective role in decision-making in government.

6. To encourage member states to ensure that applicable national law allows human rights defenders and their organizations to carry out their work in a free, transparent, and open political environment and in a manner consistent with applicable international human rights and humanitarian law.

7. To encourage all social actors, including civil society, to promote the enjoyment of the rights to freedom of peaceful assembly and of association, recognizing that civil society can contribute to the fulfillment of the principles and purposes of the OAS Charter.

8. To invite the General Secretariat to continue to support member states that so request in their efforts to increase the institutional capacity of their governments to receive, absorb, and act on, when appropriate, input and advocacy of all social actors, if possible through the use of information and communication technologies.

9. To instruct the Permanent Council to prepare and convene a special meeting to exchange experiences, views and best practices that serve to promote the rights to freedom of assembly and of association.

10. To request the Permanent Council to report to the General Assembly at its forty-second regular session on the implementation of this resolution. Execution of the activities identified herein shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

AG/RES. 2679 (XLI-O/11)

RIGHT TO FREEDOM OF THOUGHT AND EXPRESSION
AND THE IMPORTANCE OF THE MEDIA

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council to the General Assembly (AG/doc.4992/09 add. 2 – Draft resolutions and declarations considered by the Permanent Council and submitted to the Plenary for its consideration);

TAKING INTO ACCOUNT resolutions AG/RES. 2237 (XXXVI-O/06), AG/RES. 2287 (XXXVII-O/07), and AG/RES. 2434 (XXXVIII-O/08), AG/RES. 2523 (XXXIX-O/09), “Right to Freedom of Thought and Expression and the Importance of the Media”;

UNDERSCORING the Declaration of Santo Domingo: Good Governance and Development in the Knowledge-Based Society [AG/DEC. 46 (XXXVI-O/06)], adopted on June 6, 2006;

RECALLING that the right to freedom of thought and expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds, is recognized in Article IV of the American Declaration of the Rights and Duties of Man, Article 13 of the American Convention on Human Rights, the Inter-American Democratic Charter (including in Article 4), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international instruments and national constitutions, as well as in United Nations General Assembly resolution 59 (I) and

resolution 104 of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO);

RECALLING ALSO that Article IV of the American Declaration of the Rights and Duties of Man states that “[e]very person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever”;

RECALLING FURTHER that Article 13 of the American Convention on Human Rights states that:

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.
2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:
 - a. Respect for the rights or reputations of others; or
 - b. The protection of national security, public order, or public health or morals.
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.
4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law;

RECALLING the principles set forth in the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) of October 2000;

RECALLING the relevant volumes of the annual reports of the IACHR for 2006, 2007, 2008, 2009 and 2010 on freedom of expression, as well as the comments by member states during meetings at which said reports were presented;

TAKING INTO ACCOUNT resolutions 2004/42 and 2005/38, “The Right to Freedom of Opinion and Expression,” of the United Nations Commission on Human Rights; and

RECALLING the significance of the studies and contributions approved by UNESCO regarding the contribution of the media to strengthening peace, tolerance, and international understanding, to promoting human rights, and to countering racism and incitement to war,

RESOLVES:

1. To reaffirm the right to freedom of thought and expression and to call upon member states to respect and ensure respect for this right, in accordance with applicable international human rights instruments, including the American Convention on Human Rights and the International Covenant on Civil and Political Rights, among others.

2. To reaffirm that freedom of expression and dissemination of ideas are fundamental for the exercise of democracy.

3. To urge member states to safeguard, within the framework of applicable international instruments, respect for freedom of expression in the media, including radio and television, and, in particular, respect for the editorial independence and freedom of the media.

4. To urge those member states that have not yet done so to consider signing and ratifying, ratifying, or acceding to, as the case may be, the American Convention on Human Rights.

5. To reaffirm that free and independent media are fundamental for democracy, for the promotion of pluralism, tolerance, and freedom of thought and expression, and for the facilitation of dialogue and debate, free and open to all segments of society, without discrimination of any kind.

6. To urge member states to promote a pluralistic approach to information and multiple points of view by fostering full exercise of freedom of thought and expression, access to the media, and diversity in the ownership of media outlets and sources of information, through, *inter alia*, transparent licensing systems and, as appropriate, effective regulations to prevent the undue concentration of media ownership.

7. To urge member states to consider the importance of including, in their domestic legal systems, rules about the establishment of alternative or community media and safeguards to ensure that they are able to operate independently, so as to broaden the dissemination of information and opinions, thereby strengthening freedom of expression with a pluralist approach and taking into account democratic criteria that provide equal opportunities of access to them for all individuals.

8. To call upon member states to adopt all necessary measures to prevent violations of the right to freedom of thought and expression and to create the necessary conditions for that purpose, including ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented.

9. To urge member states to review their procedures, practices, and legislation, as necessary, to ensure that any limitations on the right to freedom of opinion and expression are only such as are provided for by law and are necessary for respect of the rights or reputations of others or for the protection of national security, public order (*ordre public*), or public health or morals.

10. To recognize the valuable contribution of information and communication technologies, such as the Internet, to the exercise of the right to freedom of expression

and to the ability of persons to seek, receive, and impart information, as well the contributions they can make to the fight against racism, racial discrimination, xenophobia, and related and contemporary forms of intolerance, and to the prevention of human rights abuses.

11. To request the Inter-American Commission on Human Rights (IACHR) once again to follow up on and deepen its study of the issues addressed in the relevant volumes of its 2006, 2007, 2008, 2009, and 2010 annual reports on freedom of expression, on the basis, *inter alia*, of the inputs on the subject that it receives from member states.

12. To invite member states to consider the recommendations made by the Office of the Special Rapporteur for Freedom of Expression of the IACHR.

13. To request the Permanent Council to hold a meeting of national authorities in this field with a view to exchanging experiences and information and engaging in political dialogue among the member states on new trends and debates regarding the right to freedom of thought and expression, the importance of the media in the Hemisphere, and the right of every individual to seek, receive, and impart information. Invitees to that meeting will, moreover, include members of the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights, including the Special Rapporteur for Freedom of Expression, and experts from the member states, all for the purpose of sharing their experiences with these issues.

14. To take into consideration the findings of, and views expressed at, the 2008 and 2009 special meetings on freedom of thought and expression, held in the framework of the Committee on Juridical and Political Affairs.

15. To request the Permanent Council to report to the General Assembly at its forty second regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

S:\OAS\OAS GA 11\11 GA Fact Sheet.docx

Drafted by: WHA/USOAS Dan Cento x79378

Approved by: USOAS:CLomellin

Cleared by: USOAS:MKDrucker

WHA:GSnidle

WHA/EPSC:RWinchester

WHA/PA:CLuoma-Overstreet

P:DSchnier

PA Clearances: