

FIRST COMMITTEE

TERRORISM AND HUMAN RIGHTS

The XXXth Congress of the IHLADI,

Considering that terrorism is an international crime which has progressively extended in recent years, which has taken various forms and seriously undermines human rights, fundamental freedoms, democracy, international humanitarian law and refugee law.

Considering that it is the duty of all States to prevent and punish terrorism in all its forms and that there is an urgent need to combat terrorism and defend human rights through international cooperation.

Bearing in mind that United Nations General Assembly Resolution 3034 (XXVII) establishes basic measures to counter terrorism.

Bearing in mind that Resolution 48/122 (Human Rights and Terrorism) considers that terrorism seriously undermines human rights, fundamental freedoms and democracy.

Recalling that United Nations General Assembly Resolution 59/191 asserts that, in the context of the fight against terrorism, States are under the obligation to protect all human rights and fundamental liberties of all persons.

Bearing in mind that in its Resolution 72/123 the United Nations General Assembly has established that counter-terrorism measures and measures for the protection of human rights are not conflicting objectives, but complement and reinforce each other.

Bearing in mind that the United Nations Security Council has been actively engaged in the fight against the financing of terrorism, weapons of mass destruction that could be used by terrorists, the recruitment of terrorists and the compilation of lists of terrorists, among other vital points, and has established the Office of the Ombudsperson to give alleged terrorists the right of defense and to provide evidence in their defense so that the names of such persons may be removed from said lists.

Considering that victims of terrorism have the right to be assisted and compensated for the damage suffered,

Adopts the following

CONCLUSIONS

1st. Any terrorist act is reprehensible, regardless of whether it is motivated by ideological, political or religious grounds, and constitutes a threat to international peace and security.

2nd. There is international consensus that terrorism undermines human rights, fundamental freedoms and democracy, and affects not only the right to life, personal integrity and liberty, but also other rights such as the right to property, the rights of refugees, the right to development and peace.

3rd. The State has a duty to take measures to prevent and punish terrorist acts; to combat the support, recruitment and training of terrorists; to prevent its financing; to control borders and the trafficking of arms and money intended for terrorism; and to apply the principle of “*aut dedere aut judicare*”.

4th. States, international organizations and the international community as a whole have a duty to cooperate in preventing and prosecuting those responsible for acts of terrorism.

5th. States, international organizations and the international community as a whole must promote respect for human rights, which is a tool for preventing acts of terrorism.

6th. In establishing measures for the prevention, prosecution and punishment to combat terrorism, States must respect the human rights of persons accused of committing or abetting acts of terrorism.

7th. States must consider ratifying the nineteen international treaties proposed within the framework of the United Nations and its specialized bodies to combat the various manifestations of terrorism, especially matters of air and maritime security, nuclear matters and in cases of attacks, kidnappings and hostage-taking.

8th. States have an obligation to provide compensation to victims of acts of terrorism that occur in their territories and to provide the necessary international cooperation for this purpose.

9th. The IHLADI joins the fight against all types of terrorism and to the defense of human rights and fundamental freedoms, in a spirit of international cooperation

SECOND COMMITTEE

ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN EMERGENCY SITUATIONS

The XXXth Congress of the IHLADI,

Recognizing the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man, and voicing, in particular, the need to achieve international cooperation in order to promote and encourage respect for the human rights of all persons without distinction of any kind.

Recalling also United Nations General Assembly Resolution 70/1 of 25 September 2015, entitled “Transforming our world: The 2030 Agenda for Sustainable Development”, which established seventeen Sustainable Development Goals (SDGs) and one hundred sixty-nine targets that are integrated, indivisible and universal in the three dimensions of sustainable development (economic, social and environmental).

Convinced that the measures adopted by States to address contemporary risks and threats should be guided by the democratic principles and fundamental freedoms that constitute the *corpus juris* of International Human Rights Law, such as equality, access to information, participation, probity, accountability, transparency, non-discrimination, inclusion and equality at national and international levels, respect for diversity, tolerance, international cooperation and solidarity.

Recognizing, moreover, that risks and threats such as economic crises, the weakening of democratic institutions and the rule of law, corruption, inequality, natural and man-made disasters, toxic waste and pollution, among others, are risks and threats that, in a globalized world, have become transnational and, in many cases, planetary, and affect the full enjoyment of economic, social, cultural and environmental rights of individuals and groups, especially the most vulnerable ones.

Expressing its concern at the growing impact on the full enjoyment and effective exercise of economic, social, cultural and environmental rights, as a result in some cases of measures taken by the State to address emergency situations, and in others the lack of adequate mechanisms to prevent such situations.

Acknowledging that the protection of cultural heritage, particularly in times of armed conflict, is part of the global objective for maintaining international peace and security, and taking into account the inclusion of the destruction of cultural heritage among the criminal acts that constitute the war crimes included in the Rome Statute which established the International Criminal Court.

Adopts the following

CONCLUSIONS

1st. The State has the obligation to recognize and duly guarantee all the rights of persons under its jurisdiction, especially economic, social, cultural and environmental rights, in cases of emergencies, risks and threats.

2nd. The measures adopted by the State to address emergency situations must take into consideration minimum standards in terms of economic, social, cultural and environmental rights so as to guarantee the full enjoyment of these rights and to maximize the available resources.

3rd. Legislative, administrative or other measures adopted by the State should seek the prior, extensive and equal participation of affected individuals and groups in order to reach consensus, as well as to ensure access to information, access to justice and access to effective

accountability mechanisms in claims relating to economic, social, cultural and environmental rights, especially where States have not taken reasonable steps to ensure these rights.

4th. The State must ensure that provisions relating to non-discrimination, in cases of emergencies, imply a positive obligation to respond to the inequality particularly affecting developing countries in the areas of economic, social, cultural and environmental rights.

5th. The measures adopted by the State, especially preventive measures, aimed at responding to or mitigating contemporary risks and threats should consider as a priority the protection of groups of special vulnerability or those that have been historically discriminated against or relegated, such as children and adolescents, women, older persons, migrants, refugees and displaced persons, indigenous peoples, Afro-descendants and persons with disabilities, avoiding that these measures disproportionately affect those who find themselves in a more fragile and disadvantaged situation, due, among other things, to intersectionality. This would contribute to contribute to the 2030 Agenda and help meet the promises of inclusive and sustainable development for all where “no one will be left behind.”

6th. The protection of the cultural heritage in times of armed conflict requires that the acts of destruction be considered crimes against humanity.

THIRD COMMITTEE

HUMAN RIGHTS AND CLIMATE CHANGE

The XXX Congress of the IHLADI,

Considering that the XXIX IHLADI Congress, held in the city of Lima in 2016, approved the Resolution presented by Commission I on climate change and its effects.

Considering that through the progressive development of international law, environmental law has led to the recognition of the right to the environment and has established its direct link with the protection of human rights.

Considering that recent judicial decisions have recognized the existence of the right to a safe, clean, healthy and sustainable environment, which is a principle that States must protect.

Considering that national policies and legislations, as well as regional and global agreements, should continue to contribute to the solution of these problems.

Considering that island States, whose independent existence and viability are in danger, present problems of particular complexity, to the extent that their populations may suffer forced displacement due to environmental or climate reasons.

Considering that any geoengineering application project to modify the components of the atmospheric and biological resources of the oceans should consider the application of the precautionary approach and the assessment of its environmental impact.

Considering that there are multiple actors that carry out activities that generate impacts of varying scope on the environment, and that those can be linked to the phenomenon of climate change.

Considering that the International Law Commission of the United Nations and the Inter American Juridical Committee have worked on and approved projects related to the protection of the environment and in matters of international responsibility.

Considering that the corpus iuris on international responsibility for wrongful acts, as well as on international liability for injurious consequences arising out of acts not prohibited by international law, is essential to address climate change.

Considering that regional courts such as the Inter American Court of Human Rights and the European Court of Human Rights have adopted judicial decisions regarding the protection of the environment to guarantee a healthy environment, a principle already recognized by the International Court of Justice, the International Tribunal for the Law of the Sea and Arbitral Tribunals.

Adopts the following

CONCLUSIONS

1st. International Law plays a fundamental role in the determination of the right of humanity to receive appropriate responses so as to guarantee its life and development.

2nd. The effectiveness of the law of the environment increasingly confronts challenges from climate change and its effects on persons and natural resources.

3rd. The human rights' perspective is unavoidable when dealing with climate change.

4th. Threats to common goods must be dealt with through multilateral mechanisms, which provide an opportunity for international law to deploy its capacities and effects.

5th. Climate change is a global phenomenon whose origin is estimated to be related to human activity, in particular, to industrial and greenhouse -producing activities, and there is a

consensus that it raises unprecedented vulnerabilities for the international community, especially for certain peoples and regions.

6th. The diversity of interests involved in climate change should not be an obstacle to the search for binding and voluntary agreements aimed at the adoption and application of policies to deal with these new threats.

7th. The international regime established by the Framework Convention on Climate Change (1992) and further treaties (Kyoto Protocol and Paris Agreement), as well as the agreements adopted in specialized conferences (COP 21, 22 and 23), constitute a fundamental basis for dealing with global phenomena through cooperation and the adoption of measures applicable to all States and to non-state actors subject to their jurisdiction and control.

8th. International Law must continue to deal with the different needs related to mitigation of and adaptation to climate change, and must be based on the various disciplines of knowledge over this phenomenon with the aim of elaborating more effective and inclusive responses.

9th. Taking into account the new needs arising from climate change, access to safe drinking water must be guaranteed and response must be given to the demands related to the lack of services which limit the fundamental rights of people and their environment.

10th. States are under the obligation to guarantee the right of access to information, as well as to participation in, and access to, environmental justice.

11th. The impact of climate change, which may be rendered visible by means of natural disasters, creates challenges for States regarding their responsibilities over spaces subject to their sovereignty, jurisdiction and control.

12th. The right to live in a healthy environment must be guaranteed and implemented in the domestic legal systems of States, together with its promotion, preservation and improvement in harmony with principles enshrined in regional and human right systems.

13th. The emergence of new areas of work within the sphere of climate change must be accompanied by the promotion of an evolutive framework of international law, not only within the field of responsibility of States for illegal acts, but also within the ambit of prevention, through the adoption of measures that promote more effective and adequate means of mitigating their effects.

IV COMMITTEE

VULNERABLE GROUPS IN RISK AND THREAT SITUATIONS

The XXXth Congress of the IHLADI,

Considering that, under international law, States have the obligation to respect, promote and protect the fundamental human rights of every person who is in their territory or under their jurisdiction in any circumstance, including situations of risk or threat.

Considering that the fulfillment of that obligation is particularly important since it refers to vulnerable people and groups and the need to avoid cumulative vulnerability.

Considering that in such cases the protection of the rights of the population, in general, and of vulnerable individuals and groups, in particular, requires the adoption of measures for the prevention of their violations, the mitigation of the effects of such violations, as well as for the repair of its consequences,

Adopts the following:

CONCLUSIONS

1st. The States must implement policies and programs aimed at promoting and guaranteeing the respect of the human rights of people and groups who are vulnerable in their daily lives, as a more effective measure to avoid or mitigate the discrimination they may suffer in grave situations of risk or threat.

2nd. The States must implement social protection policies and programs aimed at reducing vulnerability, in the face of the consequences of risks or threat situations, of persons and groups under their jurisdiction, especially those who are more exposed to suffer the violation of their fundamental rights. The situations of violence against women and the feminization of indigenous violence must be especially addressed.

3rd. The legal protection of vulnerable persons and groups in case of risk or threat does not require the attribution by the legal system of additional rights in their favor, but the adoption of the necessary measures to make effective in such situations the rights that they already have recognized by the customary and conventional international law.

4th. The specific measures in favor of the vulnerable people that States may eventually take in order to guarantee the enjoyment of their rights in situations of risk or threat cannot in principle be considered contrary to international law, insofar they seek to avoid the discrimination of those people because of their particular objective needs.

RESOLUTION ON POLITICAL CORRUPTION

The XXX Congress of the IHLADI

Taking into account that corruption is one of the gravest menaces to democracy and its institutions, economic stability, citizen confidence and the effective and full exercise of human rights, especially social, economic, cultural and environmental rights, of the most vulnerable people;

Adopts the following conclusion:

The State, within the framework of reaffirmation of democratic principles as an essential basis for the rule of law and as a guarantee of the observance of human rights, shall adopt both preventive and sanctioning measures. They shall be adopted internally and through international cooperation, in order to seek an effective fight against the criminal phenomenon of corruption and its impunity, which weakens democracy and its institutions and harms all human rights and, in particular, the benefits of economic, social, cultural and environmental rights of the most vulnerable people.

RESOLUTION ON THE RIGHT TO BE FORGOTTEN

The XXX Congress of the IHLADI,

Considering that the interest in informational self-determination requires the recognition to the holder of personal data made available online of the right to demand their erasure ("right to be forgotten"), particularly when: a) such data are no longer necessary in relation to the purposes for which they were collected or otherwise previously processed; b) the data holder has withdrawn the consent on which the processing is based; c) the data holder objects to the processing and no other legitimate interests in the processing prevail; or d) the personal data have been unlawfully processed. The safeguard of the privacy of the holder of personal data made available online should be guaranteed, in such circumstances, over any other interest, except insofar as a public interest is involved.

Bearing in mind that cases frequently arise in which the online dissemination of personal data transcends state boundaries,

Adopts the following conclusion:

The "right to be forgotten" is a fundamental right of each human person in the information society, which should be recognized even when the data controller or processor is not established in the forum State, insofar as the processing activities at stake are related to the offering of goods or services in the said State or the monitoring of the data holder's behaviour in that State.

RESOLUTION ON COMPANIES AND HUMAN RIGHTS

The XXX Congress of the IHLADI,

Recalling the guiding principles on "Business and Human Rights" approved by United Nations Resolution 17/4 of June 16 2011 and other guidelines and statements regarding corporate responsibility to respect human rights through due measures diligence and respect for the right to reparation of victims,

Adopts the following conclusion:

States must promote a constructive dialogue with business, civil society and other relevant actors to effectively address the problem between business and human rights in order to have a national plan that takes into account all the advances produced in the universal and regional sphere about corporate social responsibility.