



United States Department of State

*United States Permanent Mission to the
Organization of American States*

Washington, D.C. 20520

January 31, 2013

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International Human Rights Clinic
500 El Camino Real
Santa Clara, CA 95053-0424

Dear Mr. Rivera,

Thank you for your letter sent on November 19 regarding the on-going process at the Permanent Council of the Organization of American States (OAS) to strengthen the Inter-American Human Rights System (IAHRS or System). We apologize for the delay in the response. We appreciate your interest as well that of all the co-signers in the work of the IAHRS, and we welcome your recommendations on the report of the special working group on the workings of the Inter-American Commission on Human Rights and how the United States could increase its efforts to protect the System.

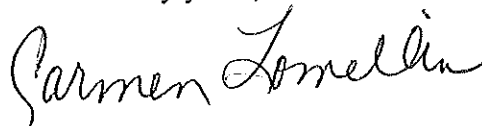
The United States is committed to supporting the effective and independent functioning of the Inter American Commission on Human Rights, and we share many of your concerns regarding the on-going process at the OAS. Through our mission to the OAS, we participated in the working group to strengthen the inter-American human rights system, and Ambassador Carmen Lomellin, supported by the Bureau of Democracy, Human Rights and Labor, is leading our diplomatic work to ensure that the recommendations of the final report adopted at the January 25, 2012 meeting of the OAS Permanent Council are implemented in a manner that preserves the integrity and independence of the Inter-American human rights system. The United States made clear that none of these non-binding recommendations should be implemented in a manner that weakens the system.

The United States also appreciates your recommendation on how we can lead by example in this process. As you are aware, the United States takes seriously the petitions of the Inter-American Commission on Human Rights (IACHR) and participates robustly in the Commission's hearings and working meeting. Nonetheless, as you point out, we have not ratified the American Convention on Human Rights, something that has been pending in the United States Senate since 1979. While we understand the importance of ratifying international treaties and conventions, we do not believe that having not done so prevents us from leading by example. Lack of ratification of the American Convention does not imply a lack of commitment to the protection of human rights or a lack of cooperation with the Inter-American Commission.

Every OAS member, including the United States, is subject to the Inter-American Commission's authority. Under the Commission's Statute, this authority includes the power to receive petitions from individuals regarding allegations of human rights violations, conduct on-site investigations, request information from governments, prepare reports, and make recommendations "to bring about more effective observance of fundamental human rights." The Commission exercises this authority with regard to all OAS members, including the United States, in light of the principles of the American Declaration of the Rights and Duties of Man. In recent years the Commission has processed petitions raising uncomfortable claims against the United States pertaining to issues such as domestic violence, migration, the death penalty, and detainees at the Guantanamo Bay detention facility. It conducted an on-site visit to U.S. border states, at the invitation of the U.S. government, which concluded with a report on detention and due process rights of immigrants in the United States. Over the years, the Commission has convened numerous working meetings, hearings, and informal discussions on diverse human rights situations in the United States, with U.S. government participation.

As you know, the United States is a strong advocate of the work of civil society organizations in support of the OAS and the Inter-American Human Rights System. We appreciate your interest and recommendations, and we hope that your affiliates in other Western Hemisphere countries are also reaching out to their governments. We will continue to do our part in supporting the Commission and take seriously the recommendations you provided.

Sincerely yours,

A handwritten signature in cursive script that reads "Carmen Lomellin". The signature is written in black ink and is positioned below the "Sincerely yours," text.

Carmen Lomellin
Ambassador