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NAAC ACCREDITED 'A' GRADE



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INTER-AMERICAN HUMAN RIGHTS SYSTEM

The Inter-American System for the protection of human rights is a regional human rights system, and is responsible for monitoring, promoting, and protecting human rights in the 35 independent countries of the Americas that are members of the Organization of American States (OAS).

The Inter-American System is composed of two principal entities: the Inter-American Commission on Human Rights (IACHR) and Inter-American Court of Human Rights (IACtHR). Both bodies can decide individual complaints concerning alleged human rights violations and may issue emergency protective measures when an individual or the subject of a complaint is in immediate risk of irreparable harm. The Commission also engages in a range of human rights monitoring and promotion activities, while the Court may issue advisory opinions on issues pertaining to the interpretation of the Inter-American instruments at the request of an OAS organ or Member State.

Additional bodies within the Inter-American System focus on specific rights or groups. These include the Inter-American Commission of Women (CIM, by its Spanish initials), the Working Group on the Protocol of San Salvador, and the various rapporteurships of the IACHR.

Inter-American Commission on Human Rights

Seat: Washington, DC Operating Since: 1960

The **Inter-American Commission on Human Rights (IACHR)** addresses human rights conditions and violations in the 35 Member States of the OAS. Established by an OAS resolution in 1959, the IACHR began operating in 1960, observing human rights conditions via on-site visits, and in 1965 was authorized to begin processing specific complaints of human rights violations. OAS Member States recognized the IACHR as the region's principal human rights body through a protocol to the OAS Charter which was adopted in 1967 and entered into force in 1970.

The Commission is composed of seven members who are elected by the OAS Member States and who serve part-time and in their individual capacities for four-year terms that may be renewed once. The commissioners are supported by the staff of the Executive Secretariat.

In addition to carrying out country visits and receiving complaints, the Commission also holds thematic hearings on specific topical areas of concern, publishes studies and reports, requests the adoption of precautionary measures to protect individuals at risk, and has established several thematic rapporteurships to more closely monitor certain human rights themes or the rights of specific communities in the hemisphere.

Individuals, groups of individuals, and non-governmental organizations recognized in any OAS Member State may submit complaints (“**petitions**“) concerning alleged violations of the American Declaration of the Rights and Duties of Man, American Convention on Human Rights, and other regional human rights treaties (listed below). The Commission receives approximately 1,500 petitions every year.

The Commission's Statute and Rules of Procedure outline its structure, objectives, and procedures, although some aspects of the day-to-day processing of cases are determined by the legal staff of the Executive Secretariat.

The Commission's website contains its published cases (reports on admissibility, merits, friendly settlements and decisions to archive), decisions on requests for precautionary measures, and applications to the Inter-American Court, in addition to its annual reports, thematic reports, and country reports.

Inter-American Court of Human Rights

Seat: San José, Costa Rica Operating Since: 1979

The **Inter-American Court of Human Rights** is the judicial organ of the Inter-American human rights system. The Court's mandate is more limited than that of the Commission because the Court may only decide cases brought against the OAS Member States that have specifically accepted the Court's contentious jurisdiction and those cases must first be processed by the Commission. Additionally, only States parties and the Commission may refer contentious cases to the Court.

The seven judges of the Court are independent, but are chosen by States through the OAS General Assembly. Judges are elected for a six-year term, once renewable. The Court and its judges convene several times per year for sessions lasting up to two weeks, but its staff works year-round.

Currently, 23 OAS Member States are States parties to the American Convention on Human Rights, and 20 have opted to accept the Court's contentious jurisdiction in accordance with Article 62 of the American Convention. The 20 States over which the Court may exercise its contentious jurisdiction are: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay. Previously, Trinidad and Tobago and Venezuela had both accepted the Court's jurisdiction, but withdrew from that jurisdiction when they denounced the American Convention, in 1998 and 2012, respectively.

The Court began operating in 1979, and soon issued several advisory opinions, but did not begin exercising its contentious jurisdiction until 1986, when the Commission submitted the first contentious case: *Velasquez Rodriguez v. Honduras*, regarding which the Court issued a judgment on the merits in 1988.

Over the Court's first several decades in operation, its annual case load has more than doubled; many more States have found themselves before the Court; and the Court has adjudicated a

significant range of rights protected by the American Convention and ancillary agreements, from extrajudicial execution and forced disappearance cases, to labor, land, and freedom of expression rights.

The Court's Statute and Rules of Procedure outline its structure, objectives, and procedures.

View the Court's judgments, as well as its annual reports and other publications on its website. Videos of the Court's hearings are available on its Vimeo page. The Audio Library of the Court, which includes audio files of the public hearings that have been held in the 40 years of the Court's existence, can be accessed via Soundcloud.

Inter-American Institute of Human Rights

The Court and Commission's human rights promotion work is complemented by the Inter-American Institute of Human Rights, an autonomous research and educational institution based in San José, Costa Rica. The Institute (best known by its Spanish acronym "IIDH") provides free online courses on various human rights topics, publishes numerous books, operates a Digital Library (navigation in Spanish), moderates a discussion listserve, and organizes seminars and workshops for civil society throughout the Americas. In addition to its online resources, the Institute is open to visitors seeking research assistance, use of the physical library, or to purchase publications.

Inter-American Instruments

The Commission and Court are charged with interpreting and applying a number of regional human rights instruments, which include the:

- American Declaration of the Rights and Duties of Man
- American Convention on Human Rights
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"
- Protocol to the American Convention on Human Rights to Abolish the Death Penalty
- Inter-American Convention to Prevent and Punish Torture
- Inter-American Convention on Forced Disappearance of Persons
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para"
- Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

Additionally, the following documents guide the Court and Commission's interpretation of the above instruments:

- Declaration of Principles on Freedom of Expression
- Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas
- Inter-American Democratic Charter

The Special Mechanisms of the Inter-American Commission on Human Rights

Inter-American Commission on Human Rights began establishing rapporteurships in 1990. Rapporteurships are special mechanisms dedicated toward protecting and promoting the rights of vulnerable groups of people who have historically faced marginalization. The establishment

of rapporteurships allowed the Commission to oversee human rights conditions on topics of particular concern.

As of July 2018, there are eight thematic rapporteurships, and two special rapporteurships. All of these special mechanisms gather and disseminate information on how different groups of people or different rights are being protected throughout the Organization of American States (OAS) Member States. The special mechanisms use this information to develop reports or recommendations to Member States to help them better protect and promote the human rights of their people, and to guide the Inter-American Commission on Human Rights in its decisions.

Thematic rapporteurships are generally overseen by one of the Commission's seven Commissioners, who undertake their duties on a part-time basis. The Commission itself decides which members will be responsible for which thematic rapporteurships.

The Commission also designates country rapporteurs from among the seven Commissioners. Each Member State is assigned a country rapporteur, who is responsible for carrying out activities assigned by the Commission within that State. Thematic rapporteurs often collaborate with the country rapporteurs in conducting country visits within the Member States.

In contrast, the special rapporteurs – on freedom of expression and on economic, social, cultural, and environmental rights – are not members of the Commission. They are independent experts chosen by the Commission, and who serve on a full-time basis for a period of three years, which may be renewed once.

The rapporteurships are responsible for reporting their activities to the Commission. In turn, the Commission is tasked with presenting Annual Reports to the OAS General Assembly. In these reports, the Commission provides an account of the rapporteurships' activities, including any reports produced and promotional activities undertaken.

Principal Functions

As described in greater detail at the links below, each special mechanism's capabilities are set forth in its mandate. Generally, rapporteurships and special rapporteurships may:

- advise the Commission in its processing of individual petitions, cases, and requests for precautionary and provisional measures related to their mandate;
- undertake country visits to investigate human rights conditions;
- conduct thematic reports and studies;
- develop recommendations to Member States;
- organize seminars, workshops, and specialized meetings;
- raise awareness of human rights issues;
- receive information from individuals and civil society;
- provide the Commission with annual reports on their work; and,
- contribute to the development of international human rights law.

Creation of Special Mechanisms

The Commission is empowered to create rapporteurships that are dedicated to areas of special interest, in order to promote and protect the human rights of vulnerable groups throughout the Americas. *See* Rules of Procedure of the Inter-American Commission on Human Rights, art.

15. To create a rapporteurship, the majority of the Commission's members must adopt a resolution. The resolution must delineate the functions and scope of the mandate, provide a description of the activities to be carried out, and an accounting of how these activities will be financed. *See id.*

Thematic rapporteurships are allocated among the seven Commissioners. The rapporteurships usually are designated during the first session of the Commission, but appointments may be made whenever necessary. Thematic rapporteurs undertake their duties on a part-time basis for a three-year term, which may be renewed once.

To elect a special rapporteur, the Commission must publicize the position, which allows individuals who are not members of the Commission to apply. The Commission then accepts comments from OAS Member States and civil society regarding the final candidates, and ultimately reaches a majority vote to elect the rapporteur. The Commission is required to publish the grounds for its decision. Special rapporteurs have a duty to disclose any potential conflicts of interest they have with the position, and the Commission has the ability to replace a rapporteur for reasonable cause. Special rapporteurs serve for three-year terms in a full-time capacity unless the mandate terminates earlier, and may renew their term once.

Thematic Rapporteurships

The following 10 rapporteurships have been established:

- Rapporteurship on Human Rights Defenders
- Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination
- Rapporteurship on the Rights of the Child
- Rapporteurship on the Rights of Indigenous Peoples
- Rapporteurship on the Rights of Lesbian, Gay, Trans, Bisexual, and Intersex Persons
- Rapporteurship on the Rights of Migrants
- Rapporteurship on the Rights of Persons Deprived of Liberty
- Rapporteurship on the Rights of Women
- Special Rapporteurship for Freedom of Expression
- Special Rapporteurship on Economic, Social Cultural, and Environmental Rights