



VIDEO GUIDE

Addressing Human Rights Violations in the Americas: Advocacy before the Inter-American System

1 What is the Inter-American System for the Protection of Human Rights?

Purpose of the System: monitoring and protecting human rights in the 35 countries (“States”) that are members of the Organization of American States (“OAS”), an intergovernmental organization. Complements, but does not substitute the national judicial systems.

Components: Inter-American **Commission** on Human Rights (IACHR) & Inter-American **Court** of Human Rights

Commission:

- receives and decides complaints (“**petitions**”) brought by individuals against States for alleged human rights violations
- monitors human rights through **rappoteurships**, country **visits**, and thematic **hearings**
- publishes **reports** on human rights conditions and topics of concern
- issue **precautionary measures** to prevent irreparable harm to individuals or the subject matter of a petition
- based in **Washington, D.C.** in the United States

Court:

- issues **judgments** in individual complaints, in certain circumstances when the State fails to comply with the Commission’s decision and recommendations
- can decide cases involving any of the **20 States** that have accepted its jurisdiction
- issues **provisional measures** to prevent irreparable harm to individuals or case subject
- based in **San Jose**, Costa Rica

2 What Rights Are Protected by the Inter-American System?

Sources: agreements drafted and adopted under the auspices of the OAS, including:

- American Declaration of the Rights and Duties of Man (applies to all 35 States)
- American Convention on Human Rights (applies in 23 States)
- additional specialized treaties on topics such as torture and violence against women

3 Submitting a Complaint or Request for Precautionary Measures

Petition: asks Commission to find State responsible for a human rights violation suffered by a specific person or group, and to recommend ways in which the State can repair the violation and prevent a similar occurrence in the future

Request for precautionary measures: asks the Commission to request that the State take immediate action to prevent irreparable, serious harm to a person or group of people, or to the subject matter of a pending petition

Petitioner: person submitting the complaint; may be the victim, or another individual or organization

Minimum requirements: Article 28 of the Commission's Rules of Procedure

- **basic information:** who is the victim? what human rights violation(s) did the victim suffer? which State is responsible? due to what actions, omissions or acquiescence of the State? where did the violation take place? when?
- **exhaustion of domestic remedies** through local courts, unless those remedies are unavailable, ineffective or insufficient
- **presentation** within six months of final outcome in local courts (or within a reasonable time)
- **non-duplication** of proceedings

Precautionary measures: explain the feared harm, if the State is aware and, if so, what steps it has taken to investigate or provide protection

4 How the Commission Processes Petitions & Requests for Precautionary Measures

- **initial evaluation:** based on information presented by the petitioner, the Executive Secretariat decides if the basic requirements have been met
- **admissibility:** considering both the petitioner and the State's arguments and evidence, the Commissioners determines if it has jurisdiction and the procedural requirements are satisfied
- **merits:** considering both the petitioner and State's arguments and evidence, the Commissioners decide if the alleged harm violates of the American Declaration or American Convention and if so, how the State should repair the harm and prevent its reoccurrence
- **Court:** the Commission may refer a case to the Court if the State fails to comply with its recommendations and has accepted the Court's contentious jurisdiction

5 In the Words of Practitioners

The Inter-American System provides many opportunities for victims and advocates to make their voices heard, obtain redress, and help improve human rights conditions in their countries. Hear what some experienced practitioners have to say about the System.

LEARN MORE in the handbook:

Advocacy before the Inter-American System: Manual for Attorneys and Advocates

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