



*Resolution 4/23 - Doc. 329*

# **Prioritization Policy for Petitions and Cases**

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**Whereas:**

1. The petition and case system is a unique mechanism for the protection of human rights in the region. By filing a petition with the Inter-American Commission on Human Rights (hereinafter, the "IACHR" or "Commission"), individuals who have suffered human rights violations can obtain measures of justice and integral reparation for the violations they have suffered. Likewise, through guarantees of non-repetition ordered in certain cases, friendly settlement agreements or eventual judgments of the Inter-American Court, it is possible to modify structural or circumstantial situations that affect the enjoyment of human rights.
2. There is a continuous increase in the number of petitions filed and a limited capacity to process and decide petitions and cases, which has led to a procedural backlog that must be addressed through different strategies.
3. The right of individual petition, established in Article 44 of the American Convention on Human Rights and Article 23 of the Commission's Rules of Procedure, implies that individuals who file a petition with the Commission are entitled to receive a response to their complaint.
4. Historically, the Commission has prioritized the processing of certain matters under its jurisdiction, when warranted and in accordance with its current regulatory framework, in order to increase access to Inter-American justice.
5. Program 3 of its Strategic Plan 2023-2027 provides for the Inter-American Commission to apply a policy of prioritization of petitions and cases that not only takes into account a chronological criterion, but also enables more timely justice for victims at urgent risk of irreparable harm and contributes to the development of Inter-American standards to solve regulatory, structural or circumstantial problems of the States that affect the enjoyment of human rights. To this end, it is relevant to take into account the priority topics addressed by the Commission through its thematic and country rapporteurships.

6. It is necessary for the Commission to be able to provide a more timely response to people who are in a serious and urgent situation, in imminent danger of suffering irreversible damage, which could be mitigated by a decision by the IACHR that resolves the merits of the dispute.
7. The preventive effect of the guarantees of non-repetition ordered by the organs of the Inter-American System in the protection of human rights, merits that the Commission pay special attention to matters that allow remedying structural situations or conjunctural problems that have an impact on the enjoyment of human rights in local and/or regional contexts.
8. The effect that the Commission's decisions have in the region makes it imperative that it takes special account of matters that make it possible to set or consolidate Inter-American standards that may be relevant for the States or address situations related to the functioning or effectiveness of the Inter-American System.
9. The resolution of cases related to gross human rights violations would contribute to achieving the right to truth and justice for the victims and society in general.
10. In the prioritization of petitions and cases, it is necessary to place special emphasis on safeguarding the rights of persons and groups in a particularly vulnerable situation, historically discriminated against and those subjected to special protection. In this regard, prioritization should be applied with an intersectional, and gender approach.
11. Articles 30.4, 30.7 and 37.3 of the Rules of Procedure provide for the possibility of shortening the deadlines for the presentation of observations in the admissibility and merits stage, in cases of seriousness and urgency, or when it is considered that the life of a person or his or her personal integrity is in real and imminent danger. Likewise, Article 36.3 of the Rules of Procedure establishes the Commission's power to jointly analyze admissibility and merits "in cases of gravity and urgency or when it is considered that the life of a person or his or her personal integrity is in imminent danger".

## THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

### Resolves:

**FIRST:** Adopt a policy of prioritization of petitions and cases with a view to increasing access to inter-American justice in a more timely manner in matters that are more urgent, serious and have an impact on the inter-American system.

**SECOND:** To prioritize for processing and decision the matters before it, according to the following criteria:

a) *Urgent matters* in which serious violations of rights are alleged, and due to the particular circumstances of the presumed victim, there is an imminent danger that the passage of time may cause irreversible harm. In these matters, it must be verified that the alleged state conduct that purportedly causes the serious harm is directly linked to the purpose of the petition and that compliance with the Commission's decision has the potential to prevent the continuation of the violation, in such a way that the urgency situation is overcome.

These matters are exceptional and encompass those related, for example, to the application of the death penalty resulting from a process with alleged human rights violations, issues of custody or international restitution of children where their best interests are jeopardized due to the risk to their family ties, cases where a child or adolescent is being victim of sexual violence, deportations or extraditions involving a risk of torture, or instances of alleged lack of medical attention for a person deprived of liberty that poses an imminent risk to their life.

b) *Matters referring to structural situations or conjunctural problems* that have an impact on the enjoyment of human rights, in which a pronouncement by the IACHR may have the effect of remedying them or promoting legislative

changes or changes in state practice, in order to prevent the affectation of rights on the same cause.

For the purposes of this criterion, the following definitions shall apply:

***Structural situations:*** Those in which state practices, jurisdictional interpretations or legislative frameworks allegedly contrary to human rights and that cause a serious impact on human rights, the rule of law or the democratic order.

***Conjunctural problems:*** Those in which there is a situation or context that seriously impacts human rights, evidences a serious crisis in the State involved, or causes a weakening of the rule of law or the democratic order.

- c) *Matters to develop the Inter-American Public Order* to expand Inter-American standards on issues that may be relevant to the region or address situations related to the functioning or effectiveness of the Inter-American System.
- d) *Cases involving serious human rights violations* in which facts such as torture, forced disappearance and arbitrary deprivation of life are alleged.

**THIRD:** The implementation of the prioritization criteria shall observe, among others an intersectional, and gender approach, and particular attention shall be paid to urgent matters, as well as those that refer to those subjected to special protection, people in situations of vulnerability, historically discriminated against, and/or when there is a specific opportunity for the decision to have an impact.

**FOURTH:** For the application of prioritization, the Commission shall periodically carry out a rigorous analysis of the matters within its knowledge, taking into account the topics of attention of its special, thematic and country rapporteurships.

**FIFTH:** The parties that consider their petition or case falls within any of the criteria may request prioritization in any of the documents they submit within the procedure. The Commission will periodically consider such requests.

**SIXTH:** In accordance with the provisions of Articles 30.4, 30.7, 36.3 and 37.3 of the Rules of Procedure, when an urgent matter is prioritized, the Commission may defer the treatment of admissibility until the debate and decision on the merits, and request the parties to send their observations on admissibility and merits within a reasonable period of time, set by the Commission when considering the circumstances of each case.

**SEVENTH:** In order to count on the participation of civil society and States in the identification of issues that make it possible to develop of the Inter-American public order or consolidate the scope of human rights, spaces will be actively generated for such requests to be presented.

**EIGHTH:** The Commission shall continue to examine in chronological order the matters that do not correspond to any of the criteria that are the subject of this resolution and to take measures to address the existing procedural backlog.

**NINTH:** The Executive Secretariat shall adopt the necessary measures to apply this resolution, organize the portfolio, hold periodic meetings that allow for a dialogue with States and civil society, establish guidelines for the implementation of the criteria that are the subject of this resolution.

**TENTH:** The Commission will periodically review its prioritization policy and make any relevant modifications it deems necessary.

**IACHR** Inter-American  
Commission on  
Human Rights