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A. Introduction

1. During its 173th Ordinary Period of Sessions, the Inter-American Commission on Human Rights (hereinafter, IACHR or Commission) approved these General Guidelines on the Follow-up of Decisions and Recommendations¹ adopted by it through the different mechanisms that are established in its conventional mandates, Statute and Rules of Procedure.
2. The development of these General Guidelines for Follow-up is part of the implementation of the 2017-2021 Strategic Plan of the IACHR,² which seeks to strengthen the follow-up actions implemented by the IACHR, focusing efforts on the design of methodologies, procedures and homogeneous, measurable and concrete protocols to evaluate the integral compliance of said recommendations and decisions.
3. This document describes the general guidelines that the IACHR applies in the process of following up on its decision and recommendations. In this sense, it explains: (B) what this follow-up process constitutes of; (C) the legal mandates that the IACHR has to carry out this follow-up work, in accordance with the Charter of the Organization of American States (hereinafter, OAS), the American Convention on Human Rights (hereinafter, ACHR), the American Declaration of the Rights and Duties of Man, the Statute of the IACHR and the Rules of Procedure of the IACHR; (D) the types of measures that the IACHR decides and recommends through the petition and case system, precautionary measures, and the monitoring system; (E) the categories of analysis that the IACHR uses in order to evaluate the level of compliance of its recommendations and decisions; (F) the tools used by the IACHR to undertake the follow-up of its recommendations and decisions; (G) the follow-up processes that are undertaken in relation to the different mechanisms of the IACHR; (H) the different manners and channels of participation that petitioners, victims, civil society organizations and national institutes of human rights have at their disposal; (I) the special follow-up mechanisms implemented by the IACHR; (J) the Inter-American System of Monitoring and Follow-up of Recommendations -Inter-American SIMORE-; and (K) the criteria according to which the IACHR declares the follow-up process completed.

B. Follow-up of the Decisions and Recommendations of the IACHR

4. The IACHR adopts decisions and issues recommendations to the Member States of the OAS in order to promote due respect for human rights. This is one of the functions attributed to the IACHR to fulfill its mandate of promoting the observance and defense of human rights in the Americas. The IACHR adopts the following types of decisions and recommendations:
 - Within the framework of the petition and case system:
 - Recommendations in merits reports;
 - Decisions in reports that approve friendly settlement agreements agreed upon between Member States and petitioners; and,

¹ In order to facilitate the reading of these General Guidelines on the Follow-up of Recommendations, the IACHR uses “recommendations” and “decisions” interchangeably to refer broadly to the recommendations and decisions adopted by the IACHR through its various mechanisms (merits reports, friendly settlement agreements, precautionary measures, and country and thematic reports), in accordance with the definitions established in Section B.

² On March 22, 2017, the IACHR approved its Strategic Plan for the period of 2017-2021, as a core instrument of institutional management that establishes the priorities that the IACHR will implement for the successful fulfillment of its mission and the response to the current and future challenges for the protection of human rights in the Americas. One of the cross-cutting themes of this Plan is the follow-up of the implementation of the recommendation and decisions adopted by the IACHR.

- Decisions in resolutions that grant or broaden precautionary measures to persons or groups that are in situations of risk and urgency.
- Within the framework of the monitoring system:
 - Recommendations in reports on the situations of human rights in countries;
 - Recommendations in thematic reports;
 - Recommendations in the Annual Report of the IACHR;
 - Recommendations in resolutions; and,
 - Calls to the Member States made in published Press Releases.³
- 5. The main objective of the follow-up process is to comprehensively verify and evaluate the set of the decisions adopted by the IACHR, in a coordinated, articulated and cross-cutting manner, and to determine they are being complied with by States, in order to guarantee full integral reparations to the victims of human rights violations as well as to increase respect, protection and promotion of human rights in the Hemisphere. The IACHR undertakes the function of following up on its recommendations in order to ensure that the decisions it issues through its different mechanisms reinforce each other and maximize the potential, with a view to achieving its effective implementation. The purpose of this is to analyze all of the recommendations adopted regarding a specific country, theme or topic, in such a way that it is possible to identify the historical advances, the pending challenges, and the possible routes may lead to achieving compliance with the recommendation by the States.
- 6. The integral compliance of the decisions of the IACHR constitutes an indispensable element to ensure the full realization of human rights in the Member States of the OAS, and to contribute to the strengthening of the Inter-American System of Human Rights (hereinafter, IASHR).

C. Mandates of the IACHR related to the Follow-Up of Recommendations

- 7. Article 41 of the ACHR establishes that one of the functions and attributions of the IACHR is “to make recommendations to the governments of the Member States, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights”.⁴ Reflecting this provision, Article 18(b) of the Statute of the IACHR establishes that this organization shall have the power “to make recommendations to the governments of the States on the adoption of progressive measures in favor of human rights in the framework of their legislation, constitutional provisions and international commitments, as well as appropriate measures to further observance of those rights”⁵; and Article 18(d) of the Statute of the Commission indicates that that IACHR shall have the power “to request that the governments of the states provide it with reports on measures they adopt in matters of human rights”.⁶
- 8. Regarding the Member States of the OAS that have not ratified the ACHR according to Article 62 of the ACHR, the IACHR has the power to request information from them, and to issue the reports and recommendations that it deems appropriate, in accordance with Article 106 of the Charter of the OAS and Article 18 of the Statute of the IACHR.

³ The IACHR undertakes the follow-up of the calls made to Member States in press releases, using the different mechanisms and tools for follow-up described in this document.

⁴ American Convention on Human Rights (1969), Article 41.

⁵ Statute of the Inter-American Commission on Human Rights (1979), Article 18.

⁶ Statute of the Inter-American Commission on Human Rights (1979), Article 18.

9. Given these powers and with the purpose of guaranteeing the useful effect of the IASHR, the IACHR has the mandate to undertake the follow-up of the recommendations and decisions that it issues through its different mechanisms (the systems of petitions and cases, precautionary measures and monitoring), and to present its analysis of the compliance of said recommendations and decisions to the General Assembly of the OAS, through its Annual Reports.
10. In the framework of the petition and case system, Article 48 of the Rules of Procedure of the IACHR indicates that “[o]nce the Commission has published a report on a friendly settlement or on the merits in which it has made recommendations, it may adopt the follow-up measures it deems appropriate, such as requesting information from the parties and holding hearings in order to verify compliance with friendly settlement agreements and its recommendations. The Commission shall report on progress in complying with those agreements and recommendations as it deems appropriate.”⁷
11. Regarding precautionary measures, Article 25 of the Rules of Procedure of the IACHR establishes that “[t]he Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review.”⁸
12. With regards to the monitoring system, in accordance with Article 59.9 of the Rules of Procedure of the IACHR, “[b]y means of Chapter V of its Annual Report, the Commission shall follow-up on measures adopted to comply with the recommendations issued in its country reports, thematic reports, or in reports previously published in Chapter IV.B”.⁹
13. The General Assembly of the OAS has approved mandates to strengthen the follow-up mechanism of recommendations and decisions of the IACHR. Likewise, it has encouraged Member States to comply with and follow up on the recommendations of the IACHR. Further, it has urged States to strengthen their institutional capacities regarding the follow-up and the implementation of decisions and recommendations of the IASHR.¹⁰

D. Types of Measures Recommended by the IACHR

14. The IACHR recommends different types of measures to the Member States of the OAS through its different mechanisms.

1. Petition and Case System

15. In accordance with the jurisprudence of the IASHR, the victims of human rights violations are entitled to integral reparation for the harm suffered, in the form of individual reparation measures of restitution, compensation and rehabilitation, as well as general measures of satisfaction and

⁷ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Article 48.

⁸ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Art 25.

⁹ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Art 59.9.

¹⁰ OAS, Resolution AG/RES. 1701 (XXX-O/00) Evaluation of the Workings of the Inter-American System for the Protection and Promotion of Human Rights with a view to its Improvement and Strengthening, 5.d; OAS, Resolution AG/RES. 2672 (XLI-O/11) Observations and Recommendations to the Annual Report of the Inter-American Commission on Human Rights 3.b; OAS, Resolution AG/RES. 2675 (XLI-O/11) Strengthening of the Inter-American System on Human Rights pursuant to the Mandates arising from the Summits of the Americas, 3.d; and, OAS, Resolution AG/RES. 2928 (XLVIII-O/18) Promotion and Protection of Human Rights, ix.1 and ix.2.

guarantees of non-repetition.¹¹ This caselaw is, in fact, a reflection of the general rules of customary international law related to the reparation of victims.

16. The comprehensive reparations measures that have been recommended in published merits reports, and the reparation measures that have been agreed to by the parties in the friendly settlement agreements approved by the IACHR, can be classified as follows:¹²
- Measures in the restoration of the infringed right, when possible
 - Compensation measures
 - Satisfaction measures
 - Rehabilitation measures
 - Truth and justice measures
 - Non-repetition or structural measures, such as:
 - Public policies
 - Legislation and other regulations
 - Institutional Strengthening

2. Precautionary Measures

17. The recommendations issued by the IACHR in the resolutions which grant or extend precautionary measures are part of the duty to protect on behalf of the States. These recommendations are adopted pursuant to Article 25 of the Rules of Procedure in situations of gravity and urgency in order to prevent the occurrence of a risk of irreparable harm to persons, or to the object of a petition or pending case before the organs of the Inter-American System.
18. These recommendations are aimed at mitigating the risk situation that lead to the adoption of the precautionary measure and generally include the following components:¹³
- Immediate measures to protect rights that are at risk;
 - That the measures to be adopted are agreed to by the beneficiaries and their representatives in order to ensure that their participation in their planning and implementation of said measures;
 - Measures designed to prevent the occurrence of new risk events.
19. The measures that are granted in a general resolution are decided by the Commission according to the specific situation. In general, they tend to be comprehensive in nature, given that the State is in charge

¹¹ IACHR, Guidelines for a Comprehensive Reparations Policy, February 19, 2008, OAS/Ser/L/V/II.131, doc. 1, para. 1; IACHR, Impact of the Friendly Settlement Procedure, OAS/Ser.L/V/II.Doc.45/13, December 18, 2013, pg. 23, para. 64; IACtHR, Case of La Cantuta v. Peru, Judgement of November 29, 2006. Series C No. 162, paras. 199-203.

¹² See Annex, Section A, for a description of the reparations measures recommended by the IACHR in the petition and case system.

¹³ See Annex, Section B, for a description of the precautionary measures recommended by the IACHR.

of deciding the manner in which they will be implemented in accordance with the principle of agreement with the beneficiaries and their representatives.

3. Monitoring System

20. The recommendations issued to States by the IACHR in country reports, thematic reports and in Chapter IV.B of the Annual Report of the IACHR are classified as follows¹⁴, among others:

- Public policies
- Legislation and other regulations
- Institutional strengthening
- Incidence in the culture of human rights
- Access to justice
- Information systems, databases and indicators

E. *Categories of Analysis of Compliance with Recommendations*

21. In order to examine the level of compliance of its recommendations, the IACHR undertakes an analysis which considers the information provided by the parties –e.g. States, victims and their representatives, civil society organizations, national human rights institutions, among others– in the follow-up process, the other sources provided for in its Rules of Procedure, the level of collaboration and the will related to the implementation of the recommendations, and the results achieved in the compliance of the recommendations.

22. In relation to the criteria set out in this point, “recommendation” is understood as: Friendly Settlement Agreement recommendation or clause published by the IACHR. In addition, the categories detailed in this section refer to recommendations issued by the IACHR through the substantive reports, friendly settlement agreements, and country reports.

23. To analyze the quality of the information presented by the parties in the follow-up process, or in the absence thereof, the IACHR applies the following categories:

- **Relevant information presented:** the information provided is relevant, up-to-date and comprehensive on measures adopted regarding compliance with at least one of the recommendations issued, within the period specified by the IACHR.
- **Information presented is irrelevant:** the information was provided within the period specified by the IACHR but does not refer to measures taken regarding compliance with at least one of the recommendations, the information is outdated, or the information is repetitive to the information presented in previous years without presenting new information.
- **Information not presented:** information was not provided on measures taken to comply with the recommendations issued; it was expressly indicated that information will not be presented; or an extension(s) to provide information was requested and, in the end, it was not provided.

¹⁴ See Annex, Section C, for a description of the measures recommended by the IACHR in the monitoring system.

24. In order to analyze the status of compliance of each recommendation, the IACHR applies the following categories:
- **Total compliance:** that recommendation in which the State has successfully begun and concluded the measures to comply with it.
 - **Substantial partial compliance:** that recommendation in which the State has adopted relevant measures for compliance and has provided evidence of these measures, but the Commission considers that the measures for compliance have not yet been completed.
 - **Partial compliance:** that recommendation in which the State has adopted some measures for compliance but it still must adopt additional measures.
 - **Pending compliance:** that recommendation in which the State has not adopted any measures to comply with the recommendation; the adopted measure(s) are in their initial stages or have not yet produced concrete results; or, the adopted measure(s) do not correspond to the situation being examined.
 - **Non-compliance:** that recommendation in which, as a consequence of the conduct of the State, it is impossible to comply with it; or, that the State has explicitly indicated that it will not comply with the recommendation.
25. Likewise, the IACHR also evaluates the level of compliance of the case or report as a whole according to the following categories:
- **Total compliance:** those cases or reports in which the State has fully complied with all of the recommendations made by the IACHR. The Commission considers as totally complied those recommendations in which the State initiated and satisfactorily completed the measures for its compliance.
 - **Partial compliance:** those cases or reports in which the State has partially complied with the recommendations issued by the IACHR, either by having complied only with some of the recommendations or by having incompletely complied with all of the recommendations; those cases in which the State has totally complied with all of the recommendations made by the IACHR except one whose compliance has resulted impossible.
 - **Compliance pending:** those cases or reports in which the IACHR considers that there has been no compliance with the recommendations given that no steps have been taken for that purpose; that the measures initiated have not yet produced concrete results; that the State has explicitly indicated that it will not comply with the recommendations made; or because the State has not presented information to the IACHR and that the IACHR does not have information from other sources indicating an opposite conclusion.
26. The aforementioned categories of analysis of the level of compliance with the recommendations are not applicable to the decisions adopted in relation to precautionary measures. In the context of the follow-up of these measures, the IACHR analyses the risk factors present in relation to the beneficiaries, as well as the protection measures which have been adopted, in order to decide whether to maintain, expand or lift precautionary measures. In addition, depending on these factors and considering the position of the beneficiaries and their representatives, the IACHR may submit a request for provisional measures to the IACtHR, in accordance with the criteria set out in Article 76 of the IACHR's Rules of Procedure.

27. With regard to precautionary measures, the IACHR verifies the progress in the implementation, considering:
- If the State has taken immediate protection measures, for example, the adoption of a safety scheme, access to adequate medical treatment, among other measures;
 - If the measures adopted have the necessary appropriateness and effectiveness. This means that, on the one hand, by its very nature the protection measures adopted are likely to prevent the materialization of risk, and on the other, that they actually produce the expected result;
 - If, based on the principle of agreement with the representatives and the beneficiaries, the measures are planned, and the shortcomings or obstacles in the implementation are overcome;
 - If measures have been adopted to prevent the occurrence of new risk events, for example, through diligent investigation that allows for the identification and punishment of those responsible for the risk events.
28. In order to make the aforementioned findings, the Commission considers the reports that it periodically requests from States and the position presented by the representatives of the beneficiaries with respect to such reports. The progress in the implementation of a precautionary measure often requires the modification of the protection measures already adopted in response to the variation and evolution of the respective situation of risk.

F. Mechanisms for Following up on Recommendations¹⁵

29. The IACHR has several mechanisms and tools to follow up its recommendations emitted through its various mechanisms – e.g. through merit reports, friendly settlement agreements, precautionary measures, and country and thematic reports. Such tools may include, where relevant, implementation schedules, letters, hearings, working meetings, follow-up visits, bilateral meetings, questionnaires, work tables, technical advice, among others.

1. Letters

30. In relation to the decisions issued by the IACHR under the system of petitions, cases and precautionary measures, the IACHR sends letters to the States and the petitioner to request information on the actions taken by the States to comply with the recommendations¹⁶. In addition, the IACHR transfers and forwards the information received from the parties between them, by means of letters.
31. With regard to the recommendations issued through the monitoring system, the IACHR sends communications to States and civil society organizations and national human rights institutions to request information on the actions adopted by the State to comply with the recommendations¹⁷.

2. Working Meetings

32. The IACHR holds working meetings with relevant parties regarding the follow-up of compliance with the decisions contained in merits reports, approved friendly settlement agreements, and granted

¹⁵ In the Annex 2 presents a Guidelines for the presentation of information regarding the compliance of individual cases to the Inter-American Commission on Human Rights in order to facilitate the process of preparing information by the parties.

¹⁶ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Arts. 25 & 48.

¹⁷ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Article 59.9.

precautionary measures. Working meetings are closed to the public. The participants include the parties to the case, friendly settlement or precautionary measure; the Commissioner who is the relevant country or thematic Rapporteur; and staff of the Executive Secretariat of the IACHR. These meetings provide an opportunity for the IACHR to receive updated information about compliance with the recommendations and decisions issued, and to advance in their implementation. Further, the IACHR facilitates the adoption of consensual routes for the implementation and compliance with the recommendations, which are agreed upon by States and the parties to the corresponding case or situation.

33. Working meetings may be held during the IACHR's Periods of Sessions, during the visits which the IACHR makes to the countries of the region, or by way of videoconference throughout the year. In general, one month prior to the date of the working meeting, the IACHR convenes the parties to attend said working meeting. The IACHR also has the power to convene *ex officio* working meetings.
34. In addition, the IACHR carries out periodic reviews with the States of their portfolios of petitions, cases, precautionary measures, friendly settlements and the follow-up of recommendations. Such reviews consist of intensive annual or semi-annual meetings at the IACHR's headquarters in Washington D.C., held either in person or through videoconference, or by a combination of both. These meetings are attended by the delegation of a State and specialists from different areas of the IACHR's Executive Secretariat. A detailed review of the State's portfolio and of its current situation regarding petitions, cases, precautionary measures and friendly settlements is conducted, as well as of the follow-up of the recommendations issued in published merits reports, for the purpose of resolving queries, obtaining information from the States on the steps taken towards implementation and on the progress made, and accompanying compliance with the recommendations.

3. Hearings

35. During its Periods of Sessions, the IACHR holds public hearings.¹⁸ According to the Rules of Procedure, these hearings may be about compliance with recommendations and decisions in specific cases, about precautionary measures, about thematic recommendations, or about recommendations issued with regards to a specific country, a group of countries, or the region in general. These spaces permit the IACHR to receive updated information about the human rights situation in one or more OAS Member States or about a given topic, which facilitates its analysis of the results achieved and the existing challenges regarding the recommendations and decisions that it has issued.

4. Questionnaires

36. The IACHR can also prepare specific questionnaires for the purpose of following up on its recommendations. In this sense, the IACHR may prepare and send out questionnaires with questions related to compliance with the recommendations issued by the monitoring system to States and civil society organizations, national human rights institutions and academia (in the case of the monitoring system), or it may publish said questionnaires on its website. Likewise, specific questions can be prepared and sent to the parties in the framework of the systems of petitions, cases and precautionary measures.

¹⁸ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Article 66.

5. Follow-up Visits

37. The IACHR can conduct visits to follow-up on its recommendations, in accordance with its mandates and prior to communicating with States. It can also propose to carry out follow-up activities during the working visits that it undertakes, prior to communicating with the parties.

6. Working groups

38. For the purpose of following up on advances in the implementation of the recommendations issued in its country reports with wide participation of involved authorities and other relevant actors to the compliance of recommendations, the IACHR can suggest to States to hold working tables, which are presided over by the IACHR. Working tables can even include the participation of civil society representatives. The working table will be undertaken in accordance to a work agenda previously defined by the IACHR together with the State, and which will be comprised of issues and/or recommendations.

7. Technical Assistance

39. The IACHR can provide technical assistance to the Member States of the OAS, as per prior request, regarding the process of implementing its decisions. In this sense, the IACHR can collaborate in the design, creation or evaluation of human rights-focused legislative bills or public policies, in capacity building, or through any other means agreed to with the State in order to comply with the recommendations established in its reports.

G. Recommendation Follow-up Processes

40. The processes for following up on recommendations are carried out throughout the different months of each calendar year, using the tools set out above, as explained in this section.
41. Further, the IACHR permanently requests and obtains information about compliance with its decisions from States, victims and their representatives, civil society, national human rights institutions, and international bodies, among others. This information is analyzed and assessed by the IACHR through different tools which make up the follow-up processes that are carried out constantly throughout the year.
42. In the process of following up on its different mechanisms, the IACHR can make use of the information that it gathers within the framework of its monitoring system, by means of which it obtains reliable information from different sources, in accordance with its Rules of Procedure, including from civil society actors, national human rights institutions, international bodies, State entities, and academia, among others. This information is also used by the IACHR to carry out its function of following up on its recommendations and decisions.

1. Published Merits Reports and Friendly Settlement Agreements Approved by the IACHR

43. The follow-up of recommendations or clauses begins when the merits report is published in accordance with Article 51 of the ACHR or the Article 47 of the Rules of Procedure, or when the friendly settlement agreement is approved under Article 49 of the same instrument. From this moment, the IACHR may adopt the follow-up measures that it deems appropriate, in order to verify compliance with

the friendly settlement agreements and recommendations.¹⁹ This document does not include the follow-up of recommendations made by the Commission in the transition stage, that is, following the approval of the merits report, but prior to the adoption of the final decision to send the case to the Inter-American Court, if possible, or to publish the merits report.

44. As a central part of this follow-up process, each year the IACHR prepares a follow-up report, to be included in Chapter II of its Annual Report, about the state of compliance of the merits reports published regarding cases and of the approved friendly settlement agreements.²⁰ These merits reports and friendly settlement agreements are examined in Chapter II of the Annual Report of the year immediately following their publication or approval.
45. In order to prepare the follow-up report to be included in Chapter II of its Annual Report, between the months of July and August, the IACHR requests updated information from the parties about compliance with the recommendations. Based on the information received from the parties and taking into account all of the information received in relation to the reports throughout the year, the IACHR assesses the level of compliance in accordance with the categories described above and prepares the follow-up report for Chapter II of its Annual Report. In this analysis, the IACHR takes applicable international and Inter-American standards into account. This section of Chapter II is divided into two sub-sections: one which corresponds to approved friendly settlement agreements, and the other which corresponds to published merits reports. In both subsections, a table on each mechanism is presented, which classifies the cases in accordance with their overall level of compliance and which indicates whether the case/petition is active or closed.
46. Each case included in tables has a linked follow-up factsheet that provides: a summary of the case; the recommendations of the merits report or the clauses of the friendly settlement agreement, with their state of compliance at the time of the respective Annual Report; the procedural activity of the case; the analysis of the information submitted by the parties; the analysis of the implementation of each one of the recommendations or clauses; the IACHR's conclusions about the level of compliance of the recommendations of the case or the agreement as a whole; and the individual and structural results which have been informed by the parties over the months or years that the report has been in the follow-up stage.
47. With regards to published merits reports and the friendly settlement agreements approved before the 2001 amendment of the Rules of Procedure, the IACHR undertakes their follow-up at the request of the parties.

2. Precautionary Measures

48. The task of following-up on precautionary measures begins once the IACHR has granted the corresponding measure. The IACHR carries out an analysis of the protection measures implemented by the State to respond to the corresponding situation of urgency and seriousness that may cause irreparable harm, and to mitigate the risk factors to the rights to life and integrity of the beneficiaries of the measure.
49. After the presentation of the report that is requested from the State in the resolution that decides to grant a precautionary measure, in its communications with the parties the IACHR will send a copy of said report to the representatives of the beneficiaries, in order for them to present their observations. Based on the information submitted by the parties, the IACHR may formulate specific questions that

¹⁹ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Article 48.

²⁰ Rules of Procedure of the Inter-American Commission on Human Rights (2013), Arts. 59(2)(c)(vii) y (iv). Merits reports and friendly settlement agreements began to be followed up on more effectively, and have been included in Chapter II since 2001, following an amendment to the Rules of Procedure, which was approved in 2000, and which entered into force on May 1, 2001 (Article 46).

particularly reflect the evolution of the matter, new situations of risk that may have arisen, the importance of fostering agreement between the parties at the domestic level, or otherwise directed at identifying and overcoming any obstacles in their implementation. The deadlines to respond to these requests for information vary depending on the circumstances of risk faced in the specific matter or the need to have timely information about the protection measures which have been implemented and their operation. Even though the Commission periodically requests information from the State about the implementation of precautionary measures, it is particularly important for the representatives of the beneficiaries to submit up-to-date and periodic information in case any new risk event should arise, or any situation that requires follow-up in the framework of the corresponding precautionary measure.

50. The Commission may adopt the follow-up measures that it deems appropriate to supervise the implementation of precautionary measures, such as requiring the interested parties to submit relevant information about any matter related to the granting, implementation and validity of the measures. Said follow-up measures may include, when pertinent, implementation timelines and schedules, hearings, working meetings, and follow-up and review visits. Additionally, the IACHR may issue follow-up resolutions regarding precautionary measures that have been granted, when it deems appropriate.
51. Working meetings or hearings can be convened at the request of the parties or *ex officio* by the IACHR. When making its decision, the Commission assesses the specificities of each matter, taking into account the variety of contexts and sources of risks faced by the beneficiaries, as well as to the responses provided by the State during the implementation of precautionary measure. The IACHR makes the decision regarding working meetings or hearings. Whereas the working meetings are private and, therefore, provide confidentiality and more possibilities for direct communication between the parties and the IACHR, hearings are of a public nature and provide greater visibility to the matter.
52. In the process of a precautionary measure that is in force, requests for extensions of the precautionary measure may be presented in relation to persons or groups of persons, whenever there exists a factual connection to the events that gave rise to the initial adoption of the measure. Further, requests to modify the object of the measure due to the evolution of the risk situation or requests to lift the measure when it has lost its object, or when the situation no longer fulfills the requirements of seriousness, urgency and risk of irreparable harm may also be made. These requests are analyzed taking into account the criteria established in Article 25 of the Rules of Procedure, as well as with the applicable precedents. As happens with the processing of new requests for precautionary measures, the IACHR adopts said decisions based on the information available in the case file, assessing the risk in light of the requirements set forth in the Rules of Procedure, and taking into consideration any contextual information that already exists in decisions or pronouncements of the IACHR, or by other international bodies or civil society organizations, in press releases, among other sources.
53. The IACHR also adopts a differentiated approach in the case of groups in special situations of vulnerability, as well as a gender perspective, taking into account the risk that the persons belonging to these groups may face in certain contexts.
54. The IACHR gives special importance to the principle of agreement between the parties, considering that it is the persons at risk and their representatives who can best contribute to identifying, together with the State, the most appropriate and effective measures to face the situation of risk.
55. During the active stage of any precautionary measure, the representatives can present requests for provisional measures before the Inter-American Court, which are decided by the Commission, in accordance with Article 76 of the Rules of Procedure of the IACHR and Article 63.2 of the ACHR,²¹ “in cases of extreme seriousness and urgency, when it becomes necessary to avoid irreparable damage to

²¹ American Convention on Human Rights (1969), Art. 63.2; Rules of Procedure of the Inter-American Commission on Human Rights, Article 76.

persons". In adopting this decision, the IACHR will take into account the position of the beneficiaries and their representatives, and must be based on strict criteria such as the lack of implementation of the precautionary measure by the State, the ineffectiveness of the measures which have been adopted, the existence of precautionary measures connected to cases submitted to the jurisdiction of the IACtHR, or whenever it is deemed pertinent for the better efficacy of the corresponding measure.²² Further, in accordance with Article 25.13 of the IACHR's Rules of Procedure, should the IACtHR adopt a decision dismissing the provisional measures, the IACHR will not consider a new request for precautionary measures, unless new facts arise to justify it.

3. Country Reports and Chapter IV.B of the Annual Report of the IACHR

56. The IACHR carries out the follow-up of the recommendations issued in country reports and in the reports of Chapter IV.B of its Annual Reports, through the preparation and publication of recommendation follow-up reports to be included in Chapter V of its Annual Report.²³ In these follow-up reports, the IACHR evaluates the actions adopted by the corresponding State to comply with the recommendations issued in the country report or in Chapter IV.B, and classifies the level of compliance of each recommendation and of the report as a whole, in accordance with the categories described above.
57. In the case of country reports, the practice of the IACHR has been to notify the State about the approval of the report and to grant it a period of approximately 6 months, from the moment of the communication, to report on its compliance with the recommendations contained in said report. These reports are examined in Chapter V of the Annual Report in the year following its approval.
58. For the preparation of a recommendation follow-up report to be included in Chapter V of the Annual Report, the IACHR requests information from the State in question and from civil society organizations, national human rights institutions and other relevant actors, in relation to compliance with the recommendations issued in the country report. In the preparation of its follow-up report, the IACHR also considers information gathered in thematic hearings, during visits, in responses to questionnaires and through its function of geographical and thematic monitoring, in accordance with Article 59.5 of its Rules of Procedure.
59. Once the preliminary version of the follow-up report is approved, the IACHR transmits a copy of said report to the State with a maximum period of one month to present its response, as well as any information it considers relevant.²⁴
60. For the preparation of the follow-up report to be included in Chapter V of its Annual Report, the IACHR requests updated information from the State in question, and from civil society organizations, national human rights institutions and other relevant actors, in order for them to provide the requested information.

4. Thematic Reports

61. The IACHR follows up on the recommendations issued in thematic reports through its different tools, including in thematic hearings, during its visits, in responses to its questionnaires, in letters sent to States requesting information and in consultations with experts, among others, in order to examine

²² Rules of Procedure of the Inter-American Commission on Human Rights, Article 76.

²³ Rules of Procedure of the Inter-American Commission on Human Rights, Article 59(9).

²⁴ Rules of Procedure of the Inter-American Commission on Human Rights, Article 59(10).

the advances and challenges in the implementation of thematic recommendations by the States of the region.

62. The IACHR prepares follow-up reports of its thematic recommendations, which are published in Chapter V of its Annual Report.²⁵ In these reports, the IACHR evaluates the measures adopted by States to implement the recommendations issued in the corresponding thematic report. Likewise, in certain cases the IACHR has produced and published thematic reports, in which it carries out assessments and evaluations of the level of compliance obtained by its thematic recommendations²⁶ from previous thematic reports.
63. As is the case with regards to its country reports and Chapter IV.B of its Annual Reports, the IACHR carries out a continuous follow-up of its thematic recommendations, in such a way that the cycle of presentation of reports by Member States is renewed, until it is demonstrated that the relevant human rights have been satisfied through compliance with the corresponding recommendations.

H. Participation of Petitioners, Victims, Beneficiaries and Civil Society

64. Victims of human rights violations have the right to a full and effective reparation, and they have the right to access, and to benefit from, existing national or international human rights protection systems. In this sense, in relation to the recommendations and decisions issued by the IACHR in the framework of its system of petitions, cases and precautionary measures, the perspective of the victims and beneficiaries, and their representatives, about the measures adopted by the State to comply with the recommendations, decisions or clauses is essential, and is duly taken into account by States at the moment of implementing the measures, as well as by the IACHR when it assesses compliance. This means that victims and their representatives have several ways, means and routes of participation available to them throughout the process of following up on recommendations and decisions. Further, their participation provides an input of importance in order for the IACHR to be able to fulfil its functions.
65. In relation to the recommendations issued in the framework of the monitoring system, the participation of civil society organizations and of directly affected groups, as well as of national human rights institutions, is equally essential for the analysis of the implementation of those recommendations, for which the IACHR gives them a special degree of attention.

I. Special Follow-up Mechanisms

66. In addition to the general system for following up on recommendations and decisions, in recent years the IACHR has established Special Follow-up Mechanisms in response to specific situations, as an innovative practice in the field of human rights. Special Mechanisms, as complementary follow-up instruments, facilitate a more comprehensive and focused analysis of the IACHR's decisions and recommendations. They provide a periodical, systematic and specific follow-up to the issue or case at hand, which results in a more profound and precise follow-up by the IACHR, with a closer verification of the results achieved. Likewise, these mechanisms enable the IACHR to provide closer and more direct accompaniment to the parties, and facilitate a prompter and more effective implementation of the corresponding recommendations by State authorities.

²⁵ Rules of Procedure of the Inter-American Commission on Human Rights, Article 59(9).

²⁶ In 2017, for example, the IACHR produced a Follow-up Report to one of its thematic reports: the report on "Measures Aimed at Reducing the Use of Pretrial Detention", in which it carried out a careful follow-up of the implementation of the recommendations it had issued in its 2013 "Report on the Use of Pretrial Detention in the Americas".

67. For each Special Mechanism, an Action Plan is created for the follow-up of the measures recommended by the IACHR. This Action Plan should include, at a minimum, the background; the objectives; the methodology; the time frame; and it must foresee the submission of reports; among other elements considered pertinent for each mechanism.

J. *Inter-American System for the Monitoring and Follow-up of Recommendations (Inter-American SIMORE)*

68. The Inter-American System for the Monitoring and Follow-up of Recommendations (Inter-American SIMORE) is an online tool that compiles the recommendations and decisions issued by the IACHR through its different mechanisms (approved friendly settlement agreements, published merits reports, granted precautionary measures, country reports, thematic reports, Chapter IV.B of the IACHR Annual Report). The system organizes and systematizes the IACHR's recommendations, enables public access to them, and allows for the follow-up of said recommendations with the aim of strengthening supervision and reporting on the advances and challenges encountered in the actions adopted by States to comply with their international obligations and guarantee the protection of human rights in the region.²⁷

K. *Completion of the Recommendation and Decision Follow-up Process*

69. The follow-up process ends once the IACHR considers that the State has successfully started and concluded all the measures required for compliance, after having analyzed all of the information submitted regarding the measures adopted by Member State to comply with the recommendations or clauses in a report.
70. With regards to the recommendations and decisions issued through the system of petitions and cases, and precautionary measures, the perspective of the victims of human rights violations and of the beneficiaries of precautionary measures, and their representatives, is fundamental for the analysis carried out by the IACHR in order to declare that a report has been totally complied with.
71. The IACHR underscores the fact that its different recommendations and decisions have diverse levels and scopes. Whereas some of them demand concrete and immediate responses, others are to be complied with progressively, not immediately, and some of them require a reasonable time frame in order to be fully implemented.

²⁷ The Inter-American SIMORE is available on the IACHR's website.

ANNEX 1 – TYPES OF MEASURES RECOMMENDED BY THE IACHR

A. *Petition and Case System*

1. Measures in the Restoration of the Infringed Right

The objective of measures related to the restitution of the infringed right is to restore, as much as possible, the situation in which the victims found themselves prior to the alleged violation. The implementation of these measures entails the termination of the activity or conduct that is considered to violate the rights of the victims and the restitution of the situation to the state in which they were before the events occurred. The nature of the facts that gave rise to the alleged violation is what determines whether restitution may be considered as a feasible reparation measure. For example, in cases of extrajudicial execution, torture, restitution is not possible given that the violation is irreversible.

Some examples of restitution measures include:

- Restoring the liberty of persons illegally or arbitrarily deprived of their freedom;
- Returning persons forcibly displaced as a result of acts or situations of violence to their place of origin;
- Repealing laws contrary to the protection standards established by the ACHR;
- Restoring the identity of individuals in cases in which the victim was disappeared and his/her identity was stolen impersonated as a child;
- Restoring family ties regarding situations in which a child was separated from his/her biological family in a manner incompatible with the ACHR;
- Reinstating employment;
- Reinstating an individual's position, when the victim was arbitrarily terminated from the public service;
- Returning property that was illegally confiscated or expropriated;
- Annuling judicial, administrative, criminal or police records, and eliminating the corresponding records;
- Issuing identity documents.

The Inter-American Court, in some cases, has referred to the “restitution” of a person's life project²⁸. In this regard, the Court has ordered, for example, that some victims of human rights violations receive scholarships or employment opportunities in order to restore, as much as possible, their life project. The concept of life project is relevant and transversal to all reparation measures.

2. Compensation Measures

Compensation can be monetary or in kind. On the one hand, monetary compensation involves the provision of an amount of money that is intended to compensate the different types of damage caused to victims as the result of the violation of their human rights. On the other hand, in kind compensation requires the provision of a material good of the same characteristics and under the same conditions as that of which the victims were deprived of when their human rights were violated. Compensation measures can repair both pecuniary and non-pecuniary damage, depending on the specific case. Pecuniary damage is damage exclusively to the victim's property and assets caused as a consequence of the violation of their human rights. This type of damage can be quantified in specific monetary amounts, if there is evidence available to do so. Pecuniary damage includes *lucrum cessans* and *damnum emergens*. *Damnum emergens* are the expenses that the victim and his/her next of kin have incurred as a direct result of the violation and may include healthcare costs, costs related to access to

justice and costs for an extrajudicial investigation of the actions perpetrated against the victim or the whereabouts of disappeared or deceased persons. *Lucrum cessans* is any income that a victim did not receive as a direct or indirect result of the violation. For example, in cases of arbitrary dismissal of persons holding public office, the loss of earnings may include salaries, emoluments and benefits not received. Therefore, compensation measures for pecuniary damage reflect the injurious effect on objective conditions enjoyed by the victims, as well as the likelihood that said conditions would continue and progress. To determine the amounts, aspects such as life expectancy are taken into account, in cases of individuals who died as a consequence of the respective violation.

Non-pecuniary damage include, among others, the suffering and afflictions caused to the victims and/or their family members, the impairment of very significant values for individuals, and alterations, of a non-pecuniary or pecuniary nature, to the living conditions of the victims and/or their next of kind. Non-pecuniary damage can also include obstruction of cultural values that are of particular importance to the injured party. Given that it is not possible to assign an exact monetary amount to non-pecuniary damage, this type of damage can only be compensated by means of the payment of an amount of money or the delivery of goods or services appreciable in money, in accordance with the criterion of equity. In cases of serious human rights violations, non-pecuniary damage is presumed.

3. Satisfaction Measures

Satisfaction measures include symbolic, moral or non-pecuniary measures that seek to repair the non-pecuniary damage by restoring the dignity, honor and historical memory of the victims. These measures have a transcendental significance in the recovery of the dignity and reputation of the victims. They also constitute important elements in reinforcing States' commitments not to repeat similar violations in the future. For example, the IACHR has repeatedly stated that the fundamental value of recovering the historical memory of serious human rights violations constitutes, in addition to a measure of satisfaction for the victims, a mechanism of prevention and non-repetition. It is important that these measures are agreed upon with the victims themselves and/or their family members, given that, when this does not occur, these measures do not fulfill the purpose for which they were conceived.

Satisfaction measures include three non-exhaustive categories: acts of recognition of responsibility and public apologies; official declarations and judicial decisions that restore the honor and reputation of the victims; and the construction of buildings and/or monuments in honor of the victims. That being said, the catalog of satisfaction measures may be as broad as the diversity of non-pecuniary damage suffered by victims of human rights violations.

3.1 Acts of recognition of responsibility and public apology

The recognition of the responsibility of States for the violation of human rights is fundamental for restoring the dignity of the victims, recovering their public image and in bringing closure to violations committed in the past. These measures also have a pedagogical value that facilitates the prevention of similar human rights violations from recurring in the future. These acts constitute an opportunity towards a new relationship between the victims and the State, based both on respect and personal dignity, and the re-establishment of some form of trust in public institutions. The active participation of the victims and/or their family members, if they wish, in the planning of these acts, including determining the date, place, conditions and participants, and in their realization, is fundamental.

Some examples include:

- The celebration of a public or private act of recognition of international responsibility and apology by senior state officials, which generally must include, a pronouncement by the State acknowledging the breach of its international obligations in the field of human rights in the case; a public identification of the victims of the human rights violation; an express acceptance of the need to repair the damage

caused; and, in cases of federal states, a recognition on behalf of both the central government, and the state or provincial government;

- The presentation of official statements and testimonies;
- The dissemination in the media of the act and public apology;
- The elaboration of letters of atonement and/or requests for forgiveness;
- The publication of the decision of the IACHR or of the judgment of the Inter-American Court in the Official Gazette of the State and in a newspaper or other means of communication of wide national circulation, and/or on the websites of the State entities that caused the violation.

3.2 Official declarations and judicial decisions that restore the honor and reputation of the victims

These measures generate a significant reparative effect for victims of human rights violations given that they restore the image that the victims had before the occurrence of the violation. The legal basis of these measures is found in Article 11 of the American Convention, which establishes the right “of every person to have his honor respected and his dignity recognized”.

Some examples include:

- The vindication of the good name and honor of the victims by removing their names from criminal and administrative records;
- The vindication of the good name and honor of the victims through the publication of press releases and official statements;
- Acts of atonement in honor of the victims;
- The inclusion of a declaration by the State in which it restores the good name and honor of the victims into the text of the friendly settlement agreement or the agreement to comply with recommendations signed between the parties.

3.3 Construction of buildings and/or monuments in honor of the victims

These measures are aimed at recognizing the dignity of the victims, preserving or recovering their memory, keeping alive the memory of the events and serving as a guarantee of non-repetition. Some examples include:

- The construction of monuments in honor of the victims;
- The designation of public spaces and buildings, such as parks, squares or streets, with the names of the victims;
- The creation of commemorative plaques with the names of the victims and the violations that occurred to their detriment;
- The making of documentaries about the life and work of a particular victim.

4. **Rehabilitation Measures**

Rehabilitation measures include those actions aimed at achieving the physical, psychological and social rehabilitation of the victims. Physical and/or psychological rehabilitation measures are intended to counteract the effects on the physical and mental health of the victims and/or their family members caused by the human rights violations committed against them, particularly diseases and the deterioration of their living conditions, thereby restoring as far as possible their pre-existing conditions. These measures require the provision of specialized, individualized, preferential, accessible, comprehensive, culturally appropriate and free services, including the provision of medicines and, where appropriate, the supply of goods and services. This specialized attention must take into account their condition as victims of human rights violations, and the particular

conditions of each victim. The Inter-American Court has held that the provision of general social services provided by the State to individuals cannot be confused with the reparations to which victims of human rights violations are entitled, because of the specific damage caused by the violation.²⁹ Likewise, medical and psychological attention must be provided immediately, avoiding subjecting beneficiaries to bureaucratic or other procedures that hinder their access to such care. The design and implementation of rehabilitation measures depends to a large extent on the nature of the facts of each particular case and the beneficiaries of the rehabilitation measures. The perspectives and needs of the victims and/or their family members regarding the provision of the services that make up these measures must be taken into account.

Some examples include:

- The provision of a sum of money to cover medical expenses;
- The provision of free medical care through the public health system;
- The provision to the victims and/or their family members of a permanent healthcare insurance from the Ministry of Health or the corresponding public entity, or from a private healthcare service provider.

Social rehabilitation measures are aimed at repairing, in a transformative manner, the victims and/or their family members through the recognition and provision of actions that favorably impact their social conditions. These measures may be aimed at restoring social conditions that were seriously affected by the violations of human rights, or if it is the case, to transform those social conditions that promoted or caused the human rights violations. These measures are “transformative reparations” in that they foster change and social advancement of the victims and their families, as well as the members of their communities. As with regards to physical and psychological rehabilitation measures, the opinions of the beneficiaries in the development and provision of these measures must be considered.

Some examples include:

- The provision of educational scholarships;
- The provision of technical, trade and employment training;
- The provision of sums of money for the establishment of businesses;
- The provision of seed capital to promote agricultural projects;
- Support for reintegration into the workforce;
- The exoneration of victims and/or their family members from providing compulsory military service, together with the issuance of the military passbook or corresponding document, in those countries in which this obligation exists;
- The implementation of productive projects for the community, for example, job creation projects for young people and the granting of credits for business activities;
- The provision of land and sums of money for the construction of houses;
- The provision and titling of homes;
- The inclusion of beneficiaries in housing programs and/or other social programs of the State.

5. Truth and Justice Measures

Truth and justice measures include investigation and punishment measures, and the search for and restitution of the remains of missing persons.

²⁹ Inter-American Court of Human Rights, Case of González et al. (“Campo Algodonero”) v. Mexico, Judgement of November 16, 2009. Series C No. 205, para. 529.

5.1 Investigation and punishment measures

The instruments of the IASHR impose on States the obligation to prevent, investigate, identify, prosecute and punish the material and intellectual authors of human rights violations and those who aid and abet them. Principally, in cases of serious human rights violations or when the violation in the case also involves the commission of a crime or an administrative offense, the IACHR orders the opening or continuation of an investigation to determine all of the individuals responsible and to establish the respective punitive consequences. These measures, in addition to constituting manners of administering justice, are designed to maximize the knowledge of the truth of what happened. The IACHR often orders an investigation to be conducted with due diligence, within a reasonable period of time and in accordance with the standards established by international law and jurisprudence. The Inter-American Court has held that the duty to investigate must be discharged in a serious manner, not as a mere formality that is doomed to fail from the very beginning and it must pursue a goal and be undertaken by the State as its own legal duty rather than a mere processing of private interests, dependent upon the procedural initiative of the victim or the victim's next of kin or on the contribution of evidence by private parties, without an actual quest for truth on the part of the public authorities.³⁰ In addition, the Inter-American Court has established that the lack of investigation, pursuit, capture, prosecution and conviction of those responsible for human rights violations protected by the ACHR generates impunity. In this sense, despite the passage of time, the duty to investigate and prosecute continues as long as the objective sought is not achieved, that is, the full knowledge of the facts, the identification of the persons responsible and the corresponding sanction.

In addition, these measures take into account the factors that led to the situation of impunity in the specific case. Inter-American jurisprudential guidelines indicate how, in cases of impunity, future investigations should be carried out as a measure of non-repetition. For example:

- If the case finds itself in the military criminal justice system, it is ordered to be transferred to the ordinary justice system;
- If the case was barred by a statute of limitations, the *non bis in idem* or an amnesty law was applied in the face of a serious violation of human rights, it is explicitly stated that such juridical figures cannot be an obstacle to the continuity of the investigations;
- If general context or pattern that has not been investigated exists in the case, it is ordered that the investigation take into account such relevant contexts and any possible patterns of action of state agents or other actors;
- If in the case there were reprisals or threats against justice operators, witnesses or victims, it is provided that, in the framework of the investigations, security guarantees are provided to said actors in the process;
- In cases in which there were stereotypes against a historically discriminated against group, it is ordered that measures be put in place to ensure that the investigations are carried out free of such stereotypes and with a perspective that is related to that group and that is also intersectional.

5.2 Measures to search for missing persons and restitution of the remains

In cases of forced disappearance of persons, the IACHR provides for the adoption of measures to search for and determine the fate or whereabouts of the disappeared person, in addition to truth and justice measures. The IACHR considers, in consultation with and according to the wishes of the victims' next of kin, that the search and exhumation of the bodies of the victims of human rights violations constitutes a fundamental and inescapable measure of reparation in these cases, and that it is an indispensable requirement for the revelation of the truth, the obtaining of justice, and the cessation of the continuous effect of victimization produced by a forced disappearance. The delivery of the remains of the victims to their families allows them to overcome the

³⁰ Inter-American Court of Human Rights, Case of Albán Cornejo et al. v. Ecuador, Judgement of November 22, 2007. Series C No. 171, para. 62.

uncertainty, start the grieving process and begin reconstructing their lives. On the other hand, given that the remains are the object the crime, they constitute, in and of themselves, a crucial piece of evidence for the investigation, the judicial clarification of the facts and the establishment of responsibility. In this regard, the Inter-American Court has indicated that the obligation to investigate facts of this nature persists as long as the uncertainty about the final fate of the disappeared person remains, because the right of the victim's next of kin to know his or her fate and, as appropriate, where the victim's remains are, represents a reasonable expectation that the State must satisfy using all the means at its disposal. As a good practice, it is important that psychological rehabilitation measures be incorporated into the process of delivering the remains of the victims to their family members, as this can have a positive impact on the emotional and psychological state of the beneficiaries.

6. Non-repetition or Structural Measures

Non-repetition or structural measures are transformative and transcend the victims of a particular case. Their purpose is to prevent the commission of future human rights violations and to modify the structural situation that served as the context for the violations in a specific case. These measures have a public scope or impact, and often resolve structural problems, benefiting not only the victims of the case, but also other members and groups of society. The case law of the Inter-American system has established that, under the general duty contemplated in Article 1(1) of the American Convention, States have an obligation to take all necessary measures to ensure that human rights violations are not repeated. In this regard, the Commission has stated that the duty to prevent covers all those legal, political, administrative and cultural measures that serve to safeguard human rights and ensure that their violation will be regarded and dealt with as punishable offenses for those who commit them. Non-repetition or structural measures may include, among others: the creation or strengthening of public policies; the adoption or adaptation of legislation or other types of regulations; and institutional strengthening.

6.1 Public policies

This measure refers to the creation and implementation of public policies on human rights. A public policy with a human rights focus is the set of decisions and actions that the State designs, implements, monitors and evaluates – from a permanent process of inclusion, deliberation and effective social participation – with the objective of protecting, promoting, respecting and guaranteeing the human rights of all persons, groups and communities that make up society, under the principles of equality and non-discrimination, universality, access to justice, accountability, transparency, transversality and intersectionality. Public policies can be designed, implemented and/or evaluated by the central government, state governments (in federal states) and local governments. These entities must have sufficient economic resources, or there must be a public budget for the development, implementation and monitoring of public policies. In addition, there must be social participation in the different stages of development and implementation of these policies. Public policies can be implemented with the cooperation of international human rights bodies and mechanisms.

Public policies include, among others: plans, policies and institutional programs with a human rights, gender and diversity perspective, and victim assistance policies. Likewise, they can include components such as complaint mechanisms, and sensibility and human rights awareness campaigns.

6.2 Legislation and other regulations

These measures refer to reforms to a State's legal framework. The jurisprudence of the IASHR has repeatedly pronounced on the duty of the State to guarantee the non-repetition of human rights violations through the adoption, amendment or repeal of legislation or regulations. The legal basis for this obligation is found in Article 2 of the ACHR, which establishes the duty of States to adopt the legislative or other measures that may be necessary to give effect to the rights and freedoms established by the ACHR.

These measures can include:

- Measures to adapt domestic legislation to the ACHR and/or other inter-American instruments, such as, for example, to annul amnesty laws in the face of serious human rights violations; to reduce the competence of military criminal justice systems; and to adjust the definition of a crime to the principle of legality when it is described in very vague or broad terms;
- Measures to create internal regulations on aspects required by the ACHR and/or other inter-American instruments, such as, for example, the requirement to adequately criminalize certain conduct such as forced disappearance or torture; and the creation of a judicial remedy when there is no internal mechanism to enforce any right enshrined in the ACHR;
- Measures to repeal laws that do not guarantee the rights contemplated in the ACHR and/or other inter-American instruments;
- Measures to withdraw reservations made by the State to international human rights treaties.

6.3 Institutional strengthening

The purpose of institutional strengthening measures is to strengthen the State's operational capacity to comply with its human rights obligations. In the case of *Velásquez Rodríguez v. Honduras*, the Inter-American Court held that States have a duty to organize their governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights.³¹ Institutional strengthening in human rights is essential for respecting and implementing inter-American human rights standards.

These measures include, among others:

- The creation, reform and/or strengthening of the institutions of the central State, of the institutions of state governments in federal states, and of local governments;
- Measures linked to the design of the structure of state institutions and internal procedures, including those that promote transparency, accountability and democratic governance;
- Measures linked to carrying out specific actions with an impact on the State's institutional structure, such as the creation of mechanisms, bodies, programs or protection systems;
- Measures to eliminate discriminatory practices, or those based on stereotypes, in the exercise of public power;
- Measures related to the operation of state institutions, including the provision of public budgets and/or sufficient economic resources for these institutions; the provision of human resources training; the availability of equipment, means of transportation and means of communication for the fulfillment of the assigned functions;
- Measures linked to the performance of the work of civil servants, including the implementation of selection, training, specialization and professional development mechanisms for state agents; and the improvement of working conditions and remuneration;
- Training and/or awareness-raising measures on human rights for state officials, including members of the police, the judiciary and the armed forces;
- Measures linked to the creation and operation of victim assistance services.

³¹ Inter-American Court of Human Rights, Case of *Velásquez Rodríguez v. Honduras*, Judgement of July 29, 1988, para. 166.

B. *Precautionary Measures*

1. Immediate Measures to Protect at Risk Rights

Immediate protection measures are aimed at safeguarding the rights of the beneficiaries of precautionary measures and at avoiding the occurrence of an imminent risk that causes irreparable damage. Regarding these types of measures, the IACHR requests, for example, the adoption of measures to protect life and integrity; access to adequate medical treatment or carrying out the necessary diagnoses; refraining from the deportation or extradition of individuals facing a situation of serious and urgent risk; refraining from applying the death penalty when there is a pending decision in a case where violations of due process are alleged; guaranteeing the right to the development and exercise of journalistic work without being subjected to acts of intimidation, persecution, threats or other acts of violence; among other measures.

The recommendations issued by the Commission need to be implemented by the State based on the principle of agreement. This is so that these measures adopted suitably and effectively protect the rights that are at risk; that is, on the one hand, by their very nature, they can prevent risk, and on the other, that they actually achieve that result.

2. Measures Designed to Prevent the Occurrence of New Risk Events

These measures can be requested by the Commission with the objective of avoiding the occurrence of risk events through the mitigation of the sources that would cause the risk. For example, through a diligent investigation that allows for the identification and punishment of those responsible for threats, attacks or harassment; or, the mitigation of pollution sources that have a serious impact on health, life or personal integrity.

C. *Monitoring System*

The IACHR also recommends to States the adoption of different measures in the reports that it produces through its Monitoring System. These recommendations include the following measures:

- **Public policies** – in the terms stated in Section 6.1;
- **Legislation and other regulations** – in the terms stated in Section 6.2;
- **Institutional strengthening** – in the terms stated in Section 6.3;
- **Access to justice** – in the terms stated in Section 5;
- **Incidence in the culture of human rights;**
- **Information systems, databases and indicators, among others.**

1. Incidence in the Culture of Human Rights

Measures to influence the culture of human rights are aimed at having an impact in cultural and social factors, among others, that find themselves at the root of human rights violations. These measures must be implemented by the central government, state governments (in federal states) and local governments, in cooperation with civil society organizations, private companies and the media, among other actors. These measures include the implementation of actions developed to promote a culture of human rights, and awareness or dissemination of human rights to the general population, through, for example, the implementation of campaigns.

2. Information Systems, Databases and Indicators

Information systems, databases and indicators are essential in the implementation of human rights standards and recommendations, given that they support the development of public policies and programs in this regard, and facilitate the analysis of the impacts and results achieved through such policies, as well as the promotion of transparency and accountability.

These measures refer to:

- The creation and maintenance of public information systems and databases;
- The creation and maintenance of information systems, databases and state administrative records;
- The creation of disaggregated statistics;
- The undertaking of censuses and obtaining disaggregated data;
- The development and implementation of human rights indicators.

ANNEX 2 - GUIDELINES FOR THE PRESENTATION OF INFORMATION REGARDING THE COMPLIANCE OF INDIVIDUAL CASES TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

A. Introduction

This annex constitutes guidelines which aim at facilitating the process of presentation of information by States and by petitioners with regards to the compliance of recommendations issued in published merits reports by the Inter-American Commission on Human Rights (IACHR).

In observance of its mandates and in accordance with the implementation of Program 21 of the 2017-2021 Strategic Plan, the IACHR has been reviewing and refining its methodologies for the collection, systematization and analysis of information in the follow-up of recommendations processes, with the aim of enhancing its analysis and evaluation of integral compliance and visibilizing individual and structural results and impacts.

The Commission recalls the importance that the adoption of the measures to comply with the recommendations be based on a participative process that promotes dialogue with victims in the planning and execution of said measures.

The guidelines included in this document are general and not restrictive in nature. Further, the Commission may request specific and detailed information regarding each case, for which it invites the parties to follow the guidelines included in this document as well as the particularities of specific requests for information.

The petitioners are requested to follow these guidelines, when applicable to them, and to the extent that they have the information requested.

B. General Guidelines for the Presentation of Information

The IACHR invites the parties to consider the following general guidelines:

- ❖ The report must be concise, objective and contain up-to-date information on compliance with each of the recommendations that have not been declared totally complied by the IACHR, differentiating the progress and challenges related to each one.
- ❖ Regarding the recommendations in respect of which the State has adopted actions to comply with them and in which there has been progress in their implementation, supporting documentation or links to the electronic sites where the information presented can be identified, as well as the entity in charge of compliance is requested. Likewise, details on the application of a human rights approach related to measures that affect specific groups of the population is requested.
- ❖ It is requested that, after providing information on the progress in complying with each recommendation, the parties present their position on the status of compliance of each recommendation.
- ❖ The reports should include details on participatory processes and dialogues held with the petitioners throughout the year, indicating date, main commitments reached and expected results with regards to the adoption of measures to comply with the recommendations.
- ❖ It is requested that information be presented on the challenges, anticipated deadlines and next steps regarding compliance with the recommendations of the merits report, including timeframes, schedules or work plans related to their implementation.
- ❖ Information is requested on the existence of special mechanisms created to comply with the recommendations of this specific case, and/or national mechanisms, and/or legislation that favors the implementation of the recommendations.

- ❖ All other information that is considered relevant.

C. Specific aspects to present information according to the type of recommended measure

The Commission invites the parties to submit, with respect to each measure adopted to comply with the recommendations, details related to the time, manner and place of their adoption. Further, it is suggested that specific information be presented regarding each type of reparation measure, in accordance with the recommendations issued in the merits report:

Regarding measures of restitution of infringed rights³²:

- Specify by what mechanism the restitution measure was adopted (e.g. judicial or administrative decisions), as well as the date and place of its adoption.
- Indicate the state entities, public authorities or other agents that were involved in its adoption.
- Indicate the results achieved (e.g. release of persons deprived of liberty, reinstating public officials in their positions, restitution of employment, annulling judicial, administrative, criminal or police records, and eliminating the corresponding records, among others).

Regarding compensation measures³³:

- Specify the damage that the measure is compensating (pecuniary damage -*lucrum cessans* or *damnum emergens*- and/or non-pecuniary/moral damage), if possible.
- If the compensation is pecuniary:
 - The paid amount and, if applicable, the values that have not yet been paid.
 - The procedure through which the value of the pecuniary compensation was quantified.
 - Date in which the compensation was or will be paid.
- If the compensation is in kind, the characteristics of what was granted, as well as the date and the place of its provision.

Regarding satisfaction measures³⁴:

- Specify the manner, date and place in which these measures were implemented and the authorities involved.
- Indicate the purpose of these measures (e.g. whether these measures had a symbolic and/or moral purpose, or whether they had an effect in reestablishing the dignity, honor, public image and/or historical memory of victims).

³² The objective of measures related to the restitution of the infringed right is to restore, as much as possible, the situation in which the victims found themselves prior to the alleged violation. The implementation of these measures entails the termination of the activity or conduct that is considered to violate the rights of the victims and the restitution of the situation to the state in which they were before the events occurred.

³³ Compensation can be monetary or in kind. On the one hand, monetary compensation involves the provision of an amount of money that is intended to compensate the different types of damage caused to victims as the result of the violation of their human rights. On the other hand, in kind compensation requires the provision of a material good of the same characteristics and under the same conditions as that of which the victims were deprived of when their human rights were violated.

³⁴ Satisfaction measures include symbolic, moral or non-pecuniary measures that seek to repair the non-pecuniary damage by restoring the dignity, honor and historical memory of the victims. These measures have a transcendental significance in the recovery of the dignity and reputation of the victims. They also constitute important elements in reinforcing States' commitments not to repeat similar violations in the future.

- Indicate the manner in which the victims and/or their family members were involved in the adoption of these measures.
- Indicate the individuals, organizations, human rights institutions, state entities and public authorities that participated in the planning and implementation of these measures.
- Details about the dissemination of these measures in the media, if applicable.
- With regards to the construction of buildings and/or monuments in honor of the victims: the progress in their construction, the dates of advances and completion, the place in which they are located, and/or actions that were adopted for their maintenance and conservation.
- With regards to satisfaction measures that include symbolic reparations through artistic and/or cultural expressions: explain how the decisions were made about the conception, creation and implementation of these measures, and how this process involved the victims and/or civil society. Indicate the actors involved in the design and implementation of these measures, and indicate the objectives and expected or obtained results.

Regarding rehabilitation measures³⁵:

- Details and type of measure adopted to achieve the rehabilitation of the victims.
- Date and place of the adoption of these rehabilitation measures.
- Time over which the measure will be implemented, if applicable.
- Perspective of the victim concerning the services provided.

Regarding truth and justice measures³⁶:

- Provide information about criminal and administrative investigations or judicial procedures that have been opened in regard to the facts of the case, including the state entities in charge; the current stage of the investigation/procedure; the latest actions undertaken; and whether specific individuals have been linked to the investigations as alleged perpetrators.
- Inform about road maps/plans of the investigations or judicial procedures that have been opened in regard to the facts of the case.
- Measures for the participation of the petitioners, victims, and/or their family members, in the investigation or judicial procedures.
- Measures adopted within the investigations or judicial procedures to avoid the re-victimization of the affected individuals and to attend to their specific needs.
- Results of the investigations or judicial procedures in relation to clarifying the truth of what happened and the challenges identified in this regard.

³⁵ Rehabilitation measures include those actions aimed at achieving the physical, psychological and social rehabilitation of the victims. Physical and/or psychological rehabilitation measures are intended to counteract the effects on the physical and mental health of the victims and/or their family members caused by the human rights violations committed against them. These measures require the provision of specialized, individualized, preferential, accessible, comprehensive, culturally appropriate and free services, including the provision of medicines and, where appropriate, the supply of goods and services. This specialized attention must take into account their condition as victims of human rights violations, and the particular conditions of each victim.

³⁶ Truth and justice measures include investigation and punishment measures, and the search for and restitution of the remains of missing persons

- Whether any phase or judicial procedure related to the facts of the case has been opened. Provide information about the judicial decisions adopted and about the appeals that have been filed or that could be filed regarding these decisions, with their respective dates.
- Regarding measures to search for missing persons and the restitution of their remains:
 - Work and search strategies and determination of the fate and/or whereabouts of the disappeared person, and the state entities involved.
 - Existing national information systems for undertaking and advancing such searches.
 - Measures for the participation of the petitioners and the family members of the victims in the definition of search routes/plans, and psychological accompaniment in their favor, if applicable.

Regarding non-repetition or structural measures³⁷:

- With regards to the adoption of public policies:
 - The actions adopted regarding the design, implementation, monitoring and evaluation of the policy, as well as the dates, executing bodies and stages foreseen for its adoption.
 - Details about the policy, including its target audience, its components, the institutions involved in its execution, duration, geographic scope and strategy regarding its sustainability.
 - Mechanisms of social participation in the development, implementation, monitoring and evaluation of the policy, and specific details on who participated, if applicable.
 - Statistical data that permits an understanding of the scope and results of the public policy.
 - Results and impacts achieved, if applicable.
- With regards to the adoption of legislation, regulations and norms:
 - The institutions that have the competence to present the draft legislation or the corresponding regulations.
 - The institutions that had the initiative to present the draft legislation or the corresponding regulations, as well as the date of their presentation.
 - The details and current status of the development of the discussion or debate process, the dates on which each stage has been advanced, and the steps for the approval of the draft legislation/regulations.
 - The content of the legislative initiatives and, if applicable, the content of the legislation or regulations that has come into effect.
 - The strategies for the regulation and implementation of the legislation, including the preparation and approval of regulations, if applicable.
 - Mechanisms of social participation or consultation adopted in the discussion of the draft legislation and/or regulation.
- With regards to institutional strengthening mechanisms:
 - The concrete actions through which these measures have been adopted.
 - The public entities involved in the adoption of these measures.

³⁷ Non-repetition or structural measures are transformative and transcend the victims of a particular case. Their purpose is to prevent the commission of future human rights violations and to modify the structural situation that served as the context for the violations in a specific case. These measures have a public scope or impact, and often resolve structural problems, benefiting not only the victims of the case, but also other members and groups of society.

- The administrative or other decisions that support the actions adopted related to institutional strengthening, as well as their date and scope.
 - The expected and obtained results from the adoption of these measures.
 - The budget foreseen for the adoption of these measures, as well as any sustainability strategy.
- With regards to training/capacity building:
- The concrete actions adopted for the design, implementation, monitoring and evaluation of the training/capacity building program.
 - Details about the preparation of the training program, including its content and main topics (e.g. curricula, pedagogical plans, etc.); the number and date(s) of the training; the institutions involved in its development, execution and dissemination; the target audience (e.g. public officials, collectives and/or groups of people); the duration of the training program; its geographic scope (e.g. the places where training was or will be carried out); and the budget and allocated human and financial resources.
 - Details about the implementation of the training program; the number of people trained; the duration of each session; the institutions in charge of dictating them; and information about the profile of the individuals in attendance.
 - The procedures adopted to measure the results of the training/capacity building and a synthesis of the results achieved.
 - The sustainability strategy developed regarding the training/capacity building program.
- Regarding awareness campaigns, indicate the concrete actions taken to develop, implement, monitor and evaluate them, including the focus or topic, duration, responsible entity, geographic scope, the main recipients/target audience and dissemination
- If the design or implementation of measures of non-repetition include symbolic reparations through artistic and/or cultural expressions: explain how the decisions were made about the conception, creation and implementation of these measures, and how this process involved the victims and/or civil society. Indicate the actors involved in the design and implementation of these measures, and indicate the objectives and expected or obtained results.