



Inter-American Commission on Human Rights

Strategic Plan 2011-2015



**Organization
of American States**

ORGANIZATION OF AMERICAN STATES
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

**A vision for the
Inter-American
Commission
since 1960**

Nowadays things come to pass under the ceremonial covers of political and judicial institutions as if in all of our nations the freedom, the peace of mind, the dignity –in sum, the happiness- of all human persons were sufficiently guaranteed. But that this is the case always or in all places is as false as it is untrue that mere geographic boundaries render the fate of a people totally irrelevant to another ...

There is thirst for justice in areas throughout the American Continent. It is experienced by peoples who are self-aware and possess the inalienable right to procure material and spiritual wellness for themselves. Our Commission, which will obey the purpose of protecting and defending the rights that constitute the human dignity, cannot be destined to fail as if it were the creature of dreamers because it finds its reason for being in the best aspirations of the spirit of the Americas.

—*Rómulo Gallegos*, First President of the Inter-American Commission
on Human Rights. October 13, 1960

**The Inter-American
Commission
on Human Rights
in 2016**

**Persons within the jurisdiction
of the OAS Member States
have easy and direct access to the
Inter-American Commission on Human Rights;**

**the Commission responds promptly
to people's needs;**

**its decisions and recommendations, when carried out by the States,
are an effective tool by which the States strengthen their mechanisms
to protect and promote human rights;**

**the inter-American conventions in the area of human rights
are ratified by all States in the hemisphere and
the commitments they undertake therein are fully incorporated into their
domestic laws;**

**the specific needs of groups that have historically been the victims
of discrimination are taken into account and reflected
in the design and implementation of all IACHR activities.**

Table of Contents

Inter-American Commission on Human Rights Strategic Plan 2011-2015

| | |
|--|-----|
| Executive Summary | i |
| Part I | |
| 50 Years Defending Human Rights: Results and Challenges | 5 |
| Part II | |
| Programs and Actions Plans | 69 |
| Part III | |
| Evaluation and Monitoring | 109 |



Inter-American Commission On Human Rights
Strategic Plan 2011-2015

Executive Summary



**Organization
of American States**

**The Inter-American
Commission
on Human Rights
in 2016**

**Persons within the jurisdiction
of the OAS Member States
have easy and direct access to the
Inter-American Commission on Human Rights;**

**the Commission responds promptly
to people's needs;**

**its decisions and recommendations, when carried out by the States,
are an effective tool by which the States strengthen their mechanisms
to protect and promote human rights;**

**the inter-American conventions in the area of human rights
are ratified by all States in the hemisphere and
the commitments they undertake therein are fully incorporated into their
domestic laws;**

**the specific needs of groups that have historically been the victims
of discrimination are taken into account and reflected
in the design and implementation of all IACHR activities.**

I.

Presentation

The Inter-American Commission on Human Rights is a unique institution. It was created by the States of the Americas with the widest mandate to promote human rights, and it protects all persons in the continent through its country monitoring and thematic work. It is the only organization at the regional level that receives, processes, and makes findings and recommendations on human rights complaints, presented by any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization.

To fully discharge its mandate of promoting and protecting human rights in the American hemisphere, the Inter-American Commission on Human Rights (“IACHR”) engages in a constant process of institutional strengthening. In the five-year period from 2005 to 2010, this process led to the adoption of methods and performance-based management, a thorough review and amendment of the Commission’s Rules of Procedure and a reorganization of its Executive Secretariat. One of the priorities during this period was to find additional resources, mainly from specific funds provided by Member States of the Organization, permanent observers, and other cooperation institutions within the inter-American and international systems, a goal that was achieved to a significant extent but still insufficient to cover the pressing needs posed by the work that the Commission carries out.

For the five-year period 2011-2015, one of the Commission’s goals is to ensure that it has the resources necessary to perform its functions and strike the best possible balance in the use and coordination of the funds that it receives to carry out its mandate. Accordingly, the Commission has prepared this plan, which is a comprehensive picture of the goals, results and indicators for the next five years.

This document sets out an executive-level vision of the plan created to achieve those ends: Part I is a presentation of the Commission’s mandate and its achievements over the last 50 years; Part II describes the Programs and Plans of Action; and Part III presents the monitoring, evaluation and reporting system, as well as the planning calendar.

II.

The IACHR

The principal function of the IACHR is to promote the observance and protection of human rights in the Americas. Under Article 106 of the Charter of the Organization of American States,

[t]here shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those of other organs responsible for these matters.

The Commission performs the following activities:

- ◆ It advises the Member States and inter-American bodies and maintains relationships of cooperation and exchange with regional and world bodies whose mission is the promotion and protection of human rights;
- ◆ It operates the individual petition system that considers petitions and cases of possible human rights violations, brings cases to the Inter-American Court of Human Rights, requests precautionary measures of protection, and asks for information under Article 41 of the American Convention and Article XIV of the Inter-American Convention on Forced Disappearance of Persons;
- ◆ It conducts activities associated with eight thematic areas (indigenous peoples' rights; women's rights; the rights of migrant workers and their families; the rights of children and adolescents; the rights of persons deprived of their liberty; the rights of Afro-descendants; freedom of expression; and human rights defenders), and
- ◆ It monitors the human rights situation in the OAS Member States.

In conducting these activities, the Commission takes action on both individual situations involving human rights violations as well as structural problems affecting millions of people.

Its decisions on the imperative of nullifying the effects of laws that grant amnesty for egregious violations of human rights committed by dictatorships and authoritarian governments, its decisions on matters related to elections and freedom of expression, and its recommendations on the participation of women and indigenous peoples, are just some examples of the importance of the voice of the IACHR, which has reverberated in its 50-year history while monitoring countries under authoritarian regimes, smoothing the transitions to democratic government and helping in the process of consolidating democracy. Through recommendations addressing structural problems that prevent millions of people from fully enjoying and exercising their human rights, the Inter-American Commission has also played a vital role in preventing human rights violations.

III.

The Challenges the Commission Faces in 2011-2015

In the 50 years it has been in existence, the IACHR has gradually strengthened the observance of human rights in the Americas. However, it still faces challenges that need to be corrected in the short-term and have to do with the universality of the inter-American human rights system (IAHRS), victims' access to that system, and its efficiency.

The ultimate objective of the IACHR is furthering human rights in the American continent. This Strategic Plan, in that context, addresses the issue of the efficiency of the IACHR and the available resources for attaining that objective. The human rights system's efficiency is a direct function of the availability of sufficient funds to be able to operate to meet its users' demands. The capacity of the Inter-American Commission on Human Rights to carry out its broad and diverse mandate depends upon a commitment in terms of assigned financial and human resources to maintain the organization and structures that are necessary to meet the challenges that it will face.

IV.

Strategy

The Commission's performance in fulfilling its mandate rests on three main pillars: the individual petition system; monitoring the human rights situation in the countries, and following up on thematic issues. It is on the basis of these pillars that the Commission conducts its activities to promote and to defend human rights; to these must be added the informational, management and administrative functions it performs.

Purpose and strategic objectives

For 2011-2015, the Commission has set the following strategic objectives:

- ◆ promoting full compliance with its decisions and recommendations;
- ◆ facilitating victims' access to the Commission and running with optimum efficiency the individual petition system's processes and procedures ;
- ◆ staying current on the human rights situation in the Member States of the Organization and taking the action that the situation dictates;
- ◆ responding in its activities to the specific needs of groups that have historically been victims of discrimination;
- ◆ promoting the observance of human rights, knowledge and understanding of the system, and universal acceptance of the regional human rights instruments;
- ◆ publicizing the Commission's work and, in so doing, instilling a knowledge of human rights and the Inter-American system, and
- ◆ procuring sufficient resources to discharge its mandate and achieve its other strategic objectives.

V.

Programs and Plans of Action

Program 1.- Policy and Legal Direction

Plan of Action 1.1.- Strategy and Planning

During the period from 2011 to 2015, the Commission plans to conduct five annual planning and follow-up cycles, ensure that its strategic plan is fully synchronized with the OAS' budgetary process, and report on results through the Commission's Annual Report to the OAS General Assembly.

Plan of Action 1.2.- Advisory Services to the OAS' Political Bodies

As part of this plan of action, the Commission will follow and provide advisory services to the work of the Committee on Juridical and Political Affairs. This will involve presentations on human rights issues, consideration of and suggestions for draft resolutions prepared by the Member States and submitted to the Committee for consideration, participation in special thematic meetings and a presence at the meetings of Working Groups that the Committee establishes (such as the Working Group on Racism and the Working Group on Indigenous Peoples).

Plan of Action 1.3.- Inter-Institutional Relations

Through this plan of action, the Commission will carry out its functions of advising the Member States, maintaining contact with civil society, and coordinating and communicating with the organs of the inter-American system and regional and global organizations and bodies.

Plan of Action 1.4.- Identification of Standards and Development of Manuals, Studies and Protocols

For the 2011-2015 period, the Commission's plan is to develop and update the publication of the basic documents, informative brochures and digests of case law. Plans exist as well to have a system for providing online access to its records and historic documents, enabling users to obtain relevant information to be used in litigation, academic or historical research, and documentation of violations perpetrated in the past. Access to documents of this kind is an essential component of the right of access to information.

Program 2. Individual Petition System

Plan of Action 2.1.- Initial Review

In the initial review, a determination is made as to whether a petition meets the requirements set forth in the Commission's Rules of Procedure. A successful action by the Commission will provide the petitioner with an answer that is pertinent (e.g. following the substantive criteria established by the Commission) and timely (within a period of time that is reasonable for effective protection of human rights). The initial reviews involve legal assessments and are done by professionals with the Registry Office and supervisors from the Executive Secretariat; members of the Commission also participate through memoranda for consultation, direction and overall assessment of the petitions received.

Success of the initial review is a basic factor in ensuring that matters brought to the Commission's attention are processed promptly. The IACHR's goal is that within three months of being received, every petition will have a response as to whether it can be processed by the Commission.

Plan of Action 2.2.- Admissibility

Work begins in the admissibility phase when the petition is opened for processing. This phase entails a detailed review of the files and preparation of the pertinent parts to be forwarded to the State in question (including a review of requests for confidentiality and anonymity). After the arguments and rebuttals pursuant to the Rules of Procedure, the admissibility phase concludes with the preparation of an admissibility report.

The plan aims to eliminate the backlog in the admissibility phase in two stages:

- ◆ methodological changes that will improve productivity in the preparation of draft reports and during 2011 and 2012; and
- ◆ from 2013 to 2015, intensive development of the program to eliminate backlog. During this period, the Sections would have to quadruple their output capacity.

A successful result will mean that the admissibility phase does not exceed on average a period of one year. If the terms of this plan are carried out, this standard could be achieved by 2017.

Plan of Action 2.3.- Merits

The work on the merits phase begins when the admissibility report is sent to the parties. The parties exchange arguments and counter-arguments and this phase ends with the preparation of a report on the merits.

The Strategic Plan aims to eliminate the backlog in the merits phase in two stages:

- ◆ methodological changes that will improve productivity in the preparation of draft reports during 2011 and 2012; and
- ◆ in the period from 2013 to 2015, intensive development of a program to eliminate the backlog. During this period, the sections would have to increase their production output six fold.
- ◆ The merits phase should not last on average more than one year. If the terms of this plan are carried out, this standard can be achieved by 2020.

Plan of Action 2.4.- Friendly Settlement

While the Strategic Plan is in effect, the Commission will study past experiences in the area of friendly settlements, will improve its capacity to facilitate and support these settlements and to follow up on the agreed upon settlements. It will compile the lessons learned and best practices.

Estimates are that in 2011 and 2012, the Friendly Settlement Group would be able to assist in 96 cases per year. The group would prepare the respective reports on these cases for the Commission to consider. By 2013, the number would increase by 75 cases per year, for a total of 171 reports per year, a figure that would remain constant until 2015.

Plan of Action 2.5.- Follow-up of Recommendations

The work of follow-up of recommendations begins when the report on the merits is forwarded to the parties or the friendly settlement report is issued; this phase is critical to ensuring that the individual petition system has its intended effect. Participating in this follow-up of recommendations are the legal officers and supervisors with the Executive Secretariat. This phase also requires considerable dedication from the Commissioners in the form of follow-up and working meetings. Another purpose served is to keep the political organs of the Organization informed of the status of compliance with the Commission's recommendations.

Plan of Action 2.6.- Proceedings before the Court

The American Convention directs the Commission to appear in all cases before the Court. Its mission is to defend the inter-American public order, advocate for the victims, provide informed opinions to the Court and explain the reasoning supporting its conclusions in the contentious process; furthermore, the work before the Court is an integral part of the Commission's strategies to promote human rights. The Commission members and the Executive Secretary participate in the proceedings before the Court, in their capacity as the Commission's delegates in each case that goes to the Court; members of the Court Group and supervisors from the Executive Secretariat provide support for these functions. In their respective capacities, all these persons devote substantial time to directing and executing the Commission's work before the Court.

Plan of Action 2.7.- Precautionary Measures

The Commission seeks to ensure an immediate response to any request seeking precautionary measures. This activity involves receiving the requests, evaluating them (by legal officers under a coordinator's supervision), consulting within the Registry Section, Regional Sections and/or Thematic Rapporteurships, review by Management and consulting with the Commissioners for a decision on the matter. The Commission's objective is to take a decision on every request seeking precautionary measures within 8 days of its receipt.

Plan of Action 2.8.- Other Measures of Protection

The basic purpose of the other measures of protection is to provide a means for the Commission to respond when it is concerned about possible systematic violations of human rights (an information request under Article 41 of the American Convention) or in cases of possible forced disappearance (an information request under Article XIV of the Inter-American Convention on Forced Disappearance of Persons).

Program 3.- Monitoring of Country Situations

Work on countries has the fundamental goal of ensuring constant monitoring by IACHR of the situation of human rights in all Member States through hearings, observation visits, reports, and recommendation to Member States. In the period 2011-2015, the Commission will continue to monitor the human rights situation in all the Member States.

Plan of Action 3.1.- Holding of Country and Regional Hearings

The Commission's plan is to hold a total of 20 country hearings per year, for a total of 100 country or regional hearings in the period from 2011 to 2015.

Plan of Action 3.2.- Working Visits by the Country Rapporteurs

The Commission's plan is for each member of the Commission to conduct an annual visit to one of the countries in this hemisphere for which that member is rapporteur, for a total of 35 working visits by the country rapporteurs in the period from 2011 to 2015.

Plan of Action 3.3.- *In loco* Visits

The Commission's plan is to conduct two *in loco* visits per year (vg. visits that involve the plenary Commission, or a majority of its members), for a total of ten *in loco* visits in the period from 2011 to 2015.

Plan of Action 3.4.- Country Reports

The Commission's plan is to issue two country reports each year on Member States, for a total of ten country reports in the period 2011-2015.

Program 4.- Thematic Areas

The Commission decided to establish rapporteurships for the following thematic areas (listed below in the order in which they were created):

- ◆ the rights of indigenous peoples;
- ◆ the rights of women;
- ◆ the rights of migratory workers and their families;
- ◆ the rights of the child;
- ◆ the rights of persons deprived of liberty;
- ◆ the rights of Afro-descendants and against racial discrimination; and
- ◆ human rights defenders.

The right to freedom of expression is another special thematic area, with a Rapporteurship that will be described later in this document.

Plan of Action 4.1.- Hearings

The Commission's plan is to hold 20 thematic hearings a year, for a total of 100 thematic hearings in the period 2011-2015.

Plan of Action 4.2.- Reports

The Commission's plan is to issue a report on each thematic area every 18 months, for a total of 21 thematic reports in the period 2011-2015. The Commission will remain flexible with respect to its decisions as to which specific issues it will address using this type of thematic approach and their evolution over the course of time.

Plan of Action 4.3.- Studies

The Commission's plan is to issue one thematic study on each of its thematic reports every 30 months, for a total of 14 thematic studies in the period 2011-2015. The Commission will remain flexible with respect to its decision as to which specific issues it will address using this thematic approach and their evolution over the course of time.

Plan of Action 4.4.- Case Work

The Commission's plan is that, with input from the Commissioners and specialized assistance from the rapporteurships' personnel, support will be provided to assist with an estimated 100 petitions; an estimated 20 admissibility reports and 10 merits reports will be prepared, and 8 cases will go to the Court. Furthermore, this thematic approach is expected to be helpful in evaluating an estimated 50 requests seeking precautionary measures and an estimated 100 follow-ups on those measures.

Plan of Action 4.5.- Working Visits

The Commission's plan is that each thematic rapporteur will make one working visit per year, for a total of seven thematic visits in a year or 35 thematic visits in the period 2011-2015.

Plan of Action 4.6.- Other Thematic Areas

A fundamental part of the Commission's mandate is to remain flexible in following up on areas of interest or concern in the area of human rights. Among the topics of emerging interest that the IACHR follows are the rights of the elderly, the rights of persons living with some mental or physical disability, the rights of LGBTI communities, the right to the truth, and economic, social and cultural rights.

i. The rights of LGTBI communities

This Plan of Action will establish the conceptual basis, substantive content and process for preparing a report on sexual identity and human rights in the hemisphere by December 2013, process cases on discrimination and provide specialized advice to the States in relation to the rights of lesbian, gay, trans, bisexual and intersex persons (LGTBI).

To prepare the regional report, preliminary studies will be done, the Member States and other actors in society will be consulted, and thematic visits and hearings may be held. The resources allocated for this line of activity will also help provide expertise in addressing an estimated 100 individual petitions and advisory services to the States on this subject.

ii. Right to the truth

This plan of action will establish the conceptual basis, substantive content and process for preparing a report on the right to the truth in the hemisphere. The Commission's plan is to publish that report in 2012.

iii. Economic, Social and Cultural Rights

The present plan of action will establish the conceptual basis, substantive content and process for preparing a report on economic, social and cultural rights in the hemisphere. The Commission's plan is to publish that new report in 2013.

Program 5.- Special Thematic Area: Freedom of Expression

Plan of Action 5.1.- Access to Justice and Standards

This plan of action includes all the activities needed to move the petitions and cases through the inter-American system: advisory services to the IACHR on developments in the various cases; preparation of draft admissibility and merits reports; conducting visits (at least two per year) to interview the parties and key actors in the cases and hold hearings on a case, when required or requested. The goal of the Office of the Special Rapporteur for Freedom of Expression is to move at least nine (9) cases per year through the system.

Plan of Action 5.2.- Reconciling Domestic Standards and Practices with the Standards of the IAHRs

This plan of action has two components: 1) constant monitoring and providing technical or advisory services to the Member States and civil society to promote measures to protect freedom of expression and prevent regression; and 2) preparation of reports that address the most recurring or structural problems and challenges.

Plan of Action 5.3.- Better Knowledge and Understanding of the Inter-American System

This plan of action involves:

- ◆ Preparation and publication of training materials on freedom of expression and the inter-American system, for journalists, nongovernmental organizations, and officials.
- ◆ Updating and modifying the website of the Office of the Special Rapporteur for Freedom of Expression.
- ◆ Academic visits to the countries of the region, to conduct training seminars on the inter-American standards on freedom of expression. In the five-year period of this Strategic Plan, 30 seminars will be given in 15 different countries for journalists, academics and other members of civil society. At least one international seminar will be held each year for instruction in the inter-American standards on freedom of expression, with emphasis on a specific topic of study and for discussion of the progress made and difficulties encountered with local regulation of the priority issues identified by the Office of the Special Rapporteur based on these standards.

Plan of Action 5.4.- Monitoring and thematic reports

This Plan of Action includes the following activities:

- ◆ Developing methodology, including: i) Devising protocols or another methodology to monitor and react quickly and effectively to possible violations of freedom of expression in the region; ii) developing an improved method to prepare the reports on freedom of expression in the Americas, and iii) devising the methodology for preparing country reports.
- ◆ Monitoring the enactment of legislation, regulations and public policies related to freedom of thought and expression, on specific topics, to check whether they conform to inter-American standards on freedom of expression.
- ◆ Preparing and organizing official visits in cooperation with the country's authorities. Although it is not yet possible to know how many such visits can be made or which countries will extend the necessary invitation, the plan makes provision for two *in situ* visits per year to countries to assess the situation regarding freedom of expression there, engage in dialogue with key players and compile information on the various aspects of freedom of expression.
- ◆ Preparing an annual report on the situation of freedom of expression.

For all its activities, the Commission will keep in place the platform necessary to hold 10 hearings per year on the subject of freedom of expression.

Program 6.- Other Activities to Promote Human Rights

Plan of Action 6.1.- Universal Acceptance of the IAHRs

In the period 2011-2015, the Commission will harness all its mechanisms to work toward universal acceptance of the inter-American human rights instruments. During *in loco* visits, for example, it will develop and pursue an agenda of political dialogue with the executive and legislative branches of government which, as a matter of routine, will include a review of the status of ratification of the regional instruments and a call for ratification when adherence is lacking. In its recommendations and when deemed appropriate, the Commission will underscore the need to abide by the inter-American framework of rules, particularly when a vacuum in a country's domestic laws may have contributed to violations of rights.

Plan of Action 6.2.- External Training

The IACHR's plan is to establish a program so that each Commissioner is able to participate in 12 academic events per year.

Plan of Action 6.3.- Fellowships and Internships

Every year, the IACHR conducts an extensive training program for attorneys and law students in the hemisphere. The basic purpose of this program is for such persons to learn, use and share their knowledge of the IAHRs in the countries of the Americas. The plan is to continue and expand these programs, including through the "Rómulo Gallegos" Fellowship, the "Notre Dame" Fellowship, the "Brian Tittmore" fellowship, thematic fellowships and the program of quarterly internships.

Program 7.- Public Information

Plan of Action 7.1.- Relationship with the Media and Journalists

The plan aims at immediate publication of press releases on those matters that the Commission identifies as priorities; the holding of periodic press conferences by the Commissioners; an increase in the coverage that the Commission's press releases receive in the region's media; processing responses to an estimated 400 information requests from the press each year; publication of between 300 and 350 summaries of precautionary measures granted each year.

Plan of Action 7.2.- Development and Implementation of Campaigns

The measure of success for this Plan of Action will be the media coverage given to publication of the Commission's thematic and country reports, its sessions, working visits, *in loco* visits and special campaigns. In quantitative terms, the coverage will be gauged by the number of published articles found on the internet; qualitatively, it will be assessed by the number of factual errors that appear in the media coverage.

Plan of Action 7.3.- The IACHR in Electronic Media

The success of this Plan of Action is measured by the number of hits the IACHR's web page receives, the number of those who tune in for the Webcasts of the Commission's public hearings; an increase in the number of subscribers on the distribution list, and an increase in the number of those who follow the Commission's social media pages and accounts.

Program 8.- Institutional Development

Plan of Action 8.1.- Administration

The Commission intends to have in place advisory services and operating capacity for administration, personnel matters, and procurement of goods and services.

Plan of Action 8.2.- Finance

The Executive Secretariat's plan is to ensure the technical expertise required to obtain the necessary funds for the Commission to operate adequately and for the proper management of those funds.

Plan of Action 8.3.- Information Systems

Through systems development, the Commission is facilitating case management, thematic studies, and monitoring the human rights situations in the countries of the hemisphere. In the period 2011-2015, the Commission's plan is to integrate its systems so as to have a single digital case management system, improve the quality and reliability of the data, and ensure that the systems contribute to making the Commission's processes and procedures as efficient as possible.

Plan of Action 8.4.- Documents

The Commission will continue to publish and circulate the documents it issues.



Inter-American Commission on Human Rights
Strategic Plan 2011-2015

Part I

50 years Defending
Human Rights:
Results and Challenges



**Organization
of American States**

ORGANIZATION OF AMERICAN STATES
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

**The Inter-American
Commission
on Human Rights
in 2016**

**Persons within the jurisdiction
of the OAS Member States
have easy and direct access to the
Inter-American Commission on Human Rights;**

**the Commission responds promptly
to people's needs;**

**its decisions and recommendations, when carried out by the States,
are an effective tool by which the States strengthen their mechanisms
to protect and promote human rights;**

**the inter-American conventions in the area of human rights
are ratified by all States in the hemisphere and
the commitments they undertake therein are fully incorporated into their
domestic laws;**

**the specific needs of groups that have historically been the victims
of discrimination are taken into account and reflected
in the design and implementation of all IACHR activities.**

Table of Contents

| | |
|---|----|
| I. BACKGROUND | 6 |
| II. NATURE AND MANDATE | 8 |
| 1. Sources of the Commission's mandate | 11 |
| 2. Creation and evolution | 12 |
| 3. Activities | 16 |
| III. IMPACT OF THE IACHR | 34 |
| 1. The IACHR and the victims of human rights violations | 35 |
| 2. The IACHR and groups that have historically been the targets of discrimination | 38 |
| 3. The IACHR and the rule of law | 43 |
| a. The IACHR and the authoritarian governments | 43 |
| b. The IACHR and the transitions to democracy | 47 |
| c. The IACHR, the consolidation of democracy and the rule of law | 50 |
| IV. THE STRENGTHS OF THE IAHRs | 55 |
| V. THE CHALLENGES OF THE IAHRs | 58 |
| VI. STRATEGY | 62 |
| 1. Goal and strategic objectives | 63 |
| 2. Programs | 63 |
| Bibliography | 64 |

I. BACKGROUND



The IACHR is a principal and autonomous organ of the Organization of American States (1) (“OAS”) whose mission is to promote and protect human rights in the American hemisphere. It is composed of seven independent members who serve in a personal capacity. Created by the OAS in 1959, the Commission has its headquarters in Washington, D.C. Together with the Inter-American Court of Human Rights (“the Court” or “the I/A Court H.R.”), installed in 1979, the Commission is one of the institutions within the inter-American system for the protection of human rights (“IAHRS”).

The formal beginning of the IAHRS was the approval of the American Declaration of the Rights and Duties of Man at the Ninth International Conference of American States held in Bogota in 1948. There the OAS Charter (hereinafter “the Charter”) was adopted, which declares that one of the principles upon which the Organization is founded is the “fundamental rights of the individual.”

Full respect for human rights appears in several sections of the Charter, underscoring the importance that the Member States attach to it. In the words of the Charter, “the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual



liberty and social justice based on respect for the essential rights of man.” The Charter establishes the Inter-American Commission on Human Rights (IACHR) as one of the principal organs of the OAS whose function is to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

The work of the IACHR rests on three main pillars:

- the individual petition system;
- monitoring of the human rights situation in the Member States, and
- the attention devoted to priority thematic areas.

Operating within this framework, the Commission considers that inasmuch as the rights of all persons subject to the jurisdiction of the Member States are to be protected, special attention must be devoted to those populations, communities and groups that have historically been the targets of discrimination. However, the Commission’s work is also informed by other principles, among them the following: the *pro homine* principle, whereby a law must be interpreted in the manner most advantageous to the human being; the necessity of access to justice, and the inclusion of the gender perspective in all Commission activities.

The IACHR in its current composition. Left to right: Commissioner Dinah Shelton, Commissioner Paulo Sérgio Pinheiro, Commissioner Luz Patricia Mejía Guerrero, Commissioner Felipe González, Commissioner Rodrigo Escobar Gil, Commissioner María Silvia Guillén, Commissioner José de Jesús Orozco, and Executive Secretary Santiago A. Canton.

II. NATURE AND

The principal function of the IACHR is to promote the observance and protection of human rights in the Americas. As Article 106 of the Charter of the Organization provides,



[t]here shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

MANDATE



In furtherance of its mandate, the Commission:

1. Receives, analyzes and investigates individual petitions in which violations of human rights are alleged to have been committed either by a Member State of the OAS that has ratified the American Convention or by one that has not. *(2)*
2. Observes the general situation of human rights in the Member States and publishes, when it deems appropriate, reports on the situation in a given Member State.
3. Conducts in loco visits to countries to conduct an in-depth analysis of the general situation and/or to investigate a specific situation. In general, these visits lead to the preparation of a report on the human rights situation observed, which is published and presented to the Permanent Council and to the General Assembly of the OAS.
4. Develops an awareness of human rights among the peoples of the Americas. To that end, the Commission prepares and publishes reports on specific issues, such as: the measures that must be taken to ensure greater access to justice; the effects that internal armed conflicts have on certain groups; the human rights situation of children, women, and migrant workers and their families, persons deprived of liberty, human rights defenders, indigenous persons, persons of African descent; freedom of expression; citizen security and terrorism, and how they relate to human rights, and so on.

5. Organizes and holds visits, lectures, seminars and meetings with government representatives, academic institutions, non-governmental organizations and others for the purpose of communicating information and promoting a broad understanding of the work of the inter-American human rights system.
6. Recommends to the OAS Member States the measures they should take to protect human rights in the countries of the hemisphere.
7. In serious and urgent cases, requests Member States to adopt precautionary measures, in keeping with Article 25 of its Rules of Procedure, in order to prevent irreparable harm to persons or to the subject matter of the proceedings in connection with a pending petition or case. Furthermore, under Article 63(2) of the American Convention, in cases of extreme gravity and urgency the Commission may request that the Inter-American Court order the adoption of “provisional measures” to prevent irreparable harm to persons, even when the case has not yet been submitted to the Court.
8. Presents cases to the Inter-American Court and appears before the Court during the processing and consideration of cases.
9. Requests advisory opinions of the Inter-American Court, pursuant to Article 64 of the American Convention.
10. Receives and examines communications in which a State party alleges that another State party has committed a violation of a human right protected under the American Convention, pursuant to Article 45 thereof.



Photo: The IACHR Chair, Commissioner Felipe González, presents the Commission's Annual Report to the OAS General Assembly. Lima, Peru, June 8, 2010.



1. SOURCES OF THE COMMISSION'S MANDATE

The Commission's mandate comes from the inter-American instruments on the subject of human rights and its own Statute.

- The American Declaration of the Rights and Duties of Man, adopted: May 2, 1948
- The American Convention on Human Rights ("Pact of San José, Costa Rica"), adopted: November 22, 1969; entered into force: July 18, 1978
- The Inter-American Convention to Prevent and Punish Torture, adopted: December 9, 1985; entered into force: February 28, 1987
- The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), adopted: November 17, 1988; entered into force: November 16, 1999.
- The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted: June 8, 1990; entered into force: August 28, 1991
- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belém do Pará"), adopted: June 9, 1994; entered into force: March 5, 1995
- The Inter-American Convention on Forced Disappearance of Persons, adopted: June 9, 1994; entered into force: March 28, 1996
- The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted: June 7, 1999; entered into force: September 14, 2001



Photo: Opening of the Commission's 133rd Period of Sessions at the OAS Permanent Council. Washington, D.C., October 20, 2008.

2. CREATION AND EVOLUTION

In Bogota in April 1948, the Ninth International Conference of American States –which also adopted the Charter of the Organization of American States (“OAS”), approved the American Declaration of the Rights and Duties of Man, which was the first international human rights instrument of a general nature. For its part, the Fifth Meeting of Consultation of Ministers of Foreign Affairs, held in Santiago, Chile in 1959, established the IACHR through its decision:

To create an Inter-American Commission on Human Rights, composed of seven members elected, as individuals, by the Council of the Organization of American States from panels of three names presented by the governments. The Commission, which shall be organized by the Council of the Organization and have the specific functions that the Council assigns to it, shall be charged with furthering respect for such rights. (3)



Photo: First meeting of the Inter-American Commission on Human Rights. 1960.

The newly created body began its work on October 3, 1960. (4) Its first President, Commission member *Rómulo Gallegos*, expressed his confidence that the Commission would fulfill its lofty mission, as its *raison d'être* embodied the most noble aspirations of the American spirit. (5)

In its first Statute, the Commission was charged with developing an awareness of human rights among the peoples of the Americas and making recommendations to the governments of the Member States for the adoption of progressive measures in favor of human rights. It was also charged with preparing studies and reports on the subject, asking the governments to provide information, and serving as the OAS' consultative body on the subject of human rights. (6) Furthermore, at its very first session the Commission decided that its authority should be expanded so that it could examine communications sent to it by persons or groups of persons, or by any association having legal status in the respective country, with regard to serious violations of human rights, and to prepare reports on those claims. (7) The Commission reasoned that the authorities it had been given

would not allow it to fulfill the mission in defense of human rights that the American peoples can expect from it, since it felt that its obligation should not be limited simply to promoting respect for such rights, but rather it [was] obliged to see to it that these are not violated[,] (8)

or as the Commission's President put it,

[u]nfortunately –and it has to be said– human persons, who are the real subject of the rights that we have been charged with protecting, have not been endowed with the power to file complaints reporting the abuses of which they have been victims. It is my hope that the Commission will turn its attention to and improve this and other matters until we have accomplished what our peoples are clamoring for and need. (9)

By 1961, the Commission had started to make visits to several countries to observe the human rights situation *in situ*. (10) In November 1965, by Resolution XXII of the Second Special Inter-American Conference (11) held in Rio de Janeiro, the Member States amended a number of articles in the Commission's Statute, and gave the Commission the authority to examine individual complaints. (12) This procedure went into practice in May 1967, and was applied to the 44 individual petitions received as of that date, 19 of which were forwarded to the governments concerned, with the request that they provide the necessary information.

The Organization's structure is designed to create a balance by recognizing the eminently political nature of some of its principal bodies, such as the General Assembly, and the eminently technical nature of others, such as the Commission.

In 1967, the Member States adopted the so-called “Protocol of Buenos Aires,” which amended the OAS Charter. The amended Charter took effect in 1970. In it the Commission was elevated to the rank of a principal organ of the Organization. Under the Charter as amended by the Protocol of Buenos Aires,

[t]he Organization [...] accomplishes its purposes by means of:

- a) The General Assembly;
- b) The Meeting of Consultation of Ministers of Foreign Affairs;
- c) The Councils;
- d) The Inter-American Juridical Committee;
- e) The Inter-American Commission on Human Rights;
- f) The General Secretariat;
- g) The Specialized Conferences, and
- h) The Specialized Organizations. (13)

At that time, the Organization’s structure was premised on a division of authorities or competencies. As the Inter-American Court wrote,

[f]rom the beginning, the provisions of the inter-American system have charged the Commission with the “*promotion of human rights*” (Resolution VIII, V Meeting of Consultation of Ministers of Foreign Relations, Santiago, 1959, Official Documents, OAS, Series C.II. 5, 4-6) or “*to promote the observance and protection of human rights*” (Art. 111 of the Charter of the OAS as amended by the Protocol of Cartagena), as incorporated into Article 41 of the Convention. That is the principal function of the Commission, which defines and regulates all its other functions, in particular those granted it by Article 41, and any interpretation must be limited by those criteria. (14)

The architecture of the Organization’s structure created a balance by recognizing the eminently political nature of some principal organs (such as the General Assembly) and the eminently technical nature of others like the Commission. Furthermore, over the course of the Organization’s evolution, bodies have been created that are eminently juridical in nature, such as the Court. The balance created within the system has a clear rationale: the Organization’s purposes will be pursued through specialization, which in turn rests on a clear division of authorities.

With this framework in place, the next step in the system's development was the adoption of the American Convention on Human Rights during the Inter-American Specialized Conference on Human Rights held in San José, Costa Rica, November 7 to 22, 1969. All the law and practice regarding the Commission's functions, powers and obligations were embodied in Article 41 of the American Convention, to reinforce the enduring presence that the Commission has been as one of the main architects of the procedures that allow for more effective observance and protection of human rights.

The Conference also examined at length the developments in the nature and functions of the universal system and the European system for the protection of human rights. Specifically, in crafting the American Convention, the Member States aimed to solidify the Commission's legal foundation and to create the Court, both institutions being organs whose *raison d'être* is to verify that Member States are complying with their international obligations and fulfilling their obligations *vis-à-vis* the individual.

Thus, the Convention established a system of oversight and supervision to evaluate compliance with the duties that States have freely undertaken. The body of law upon which the system rests consists of the Charter, the American Convention on Human Rights and the Statute of the Commission. These documents define the organs of the system, the basic standards and principles by which they function, and their mandate. Accordingly, Article 33 of the Convention reads as follows:

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

- a. the Inter-American Commission on Human Rights [...], and
- b. the Inter-American Court of Human Rights [...]. (15)

The inter-American system is today built around these two institutions. From that standpoint, the inter-American system is not unique, because the European, the African System and the United Nations systems have also created machinery of protection ancillary to the States' own legal system and that owes its efficacy to independent, technical bodies created within eminently political organizations.

The machinery of the system is vested with exclusive authority respecting the functions conferred on it under the Convention and, in the Commission's case, the Charter: supervision to ensure compliance with the obligations of Member States under the regional system. That machinery must, therefore, abide by the *lex Americana*, embodied in the provisions cited.

The inter-American system shares with the European, African, and United Nations human rights systems the feature of creating a machinery of protection that is ancillary to that of the States and that owes its effectiveness to technical, independent bodies.

As this history of the Commission demonstrates, the Member States have determined the characteristics and nature of the inter-American human rights system; by extension, the authorities that the Commission exercises are those that the States have delegated to it. The Court has made this point and underscored its legal consequences:

[...]in accordance with the principle of good faith, embodied in the aforesaid Article 31(1) of the Vienna Convention, if a State signs and ratifies an international treaty, especially one concerning human rights, such as the American Convention, it has the obligation to make every effort to apply with the recommendations of a protection organ such as the Inter-American Commission, which is, indeed, one of the principal organs of the Organization of American States, whose function is “to promote the observance and defense of human rights” in the hemisphere (OAS Charter, Articles 52 and 111). (16)

3. ACTIVITIES

3.1. Direction in policy and law and advisory services to Member States

The work of strengthening, monitoring and performance-based managing of the Commission’s activities requires, *inter alia*, a process of strategic planning of the kind that this plan represents. During the last five-year period, and thanks to its institutional strengthening program, the IACHR has adopted new methods of planning and evaluation. Issuance of this plan is a milestone in that process.

Furthermore, one of the Commission’s mandates is to provide consultative services to Member States, which in practice it does through the recommendations issued in connection with cases and other matters and in thematic and country reports. The Commission follows the work and

A public hearing at the IACHR.





directions of the OAS' political bodies, particularly the General Assembly and the Permanent Council's Committee on Juridical and Political Affairs.

a. Relations within the Inter-American System

Strengthening the systems to promote and protect human rights in the region and implementing the plans and projects to that end, require constant contact between the IACHR and the OAS Member States (particularly the missions to the OAS and the national bodies charged with following up on the decisions and recommendations of the IACHR at the domestic level, which includes institutions in the judicial system); and contact between the IACHR and civil society (organizations serving as petitioners in cases before the system and those dedicated to advocating for human rights).

Another function of the Commission is to constantly communicate and coordinate with the I/A Court H.R. At the present time an agreement for inter-institutional cooperation and coordination is in place among the Inter-American Court, the Inter-American Institute of Human Rights ("IIDH") and the Inter-American Commission. Moreover, under Article 57

A public hearing at the IACHR.

Article 57 of the American Convention on Human Rights establishes: "[t]he Commission shall appear in all cases before the Court.

Since early 2009, at the request of the United Nations Office of the High Commissioner for Human Rights, the Commission has been providing information about the Member States for the United Nations Universal Periodic Review.

of the American Convention on Human Rights, “[t]he Commission shall appear in all cases before the Court.” Article 61 provides that “[o]nly the States Parties and the Commission shall have the right to submit a case to the Court.” Under Article 64 of the American Convention on Human Rights, the Commission may consult the Inter-American Court regarding the interpretation of the Convention or of other treaties concerning the protection of human rights in the Member States. All the contentious cases brought to the Court as of the date of this document have been submitted by the Commission; and a significant number of the advisory opinions that the Court has issued have been in response to requests submitted by the Commission.

b. Other international organizations

The activities that the IACHR conducts jointly with the United Nations Office of the High Commissioner for Human Rights and the United Nations Children’s Fund (UNICEF) have increased in recent years and the results are evident, for example, in the preparation and publication of the report on citizen security and human rights (2009) and the activities conducted jointly to publicize the report’s standards and recommendations in various countries of the region.

Furthermore, the Commission’s sessions usually feature meetings with the United Nations Special Rapporteurs and with the United Nations Subcommittee on Prevention of Torture; in some cases, the collaboration is in evidence in the form of joint issuance of press releases (freedom of expression and human rights defenders) and other activities.

At the request of the United Nations Office of the High Commissioner for Human Rights, since early 2009 the Commission has been supplying public information about the Member States, which is then used in the United Nations’ Universal Periodic Review.

c. Other regional systems

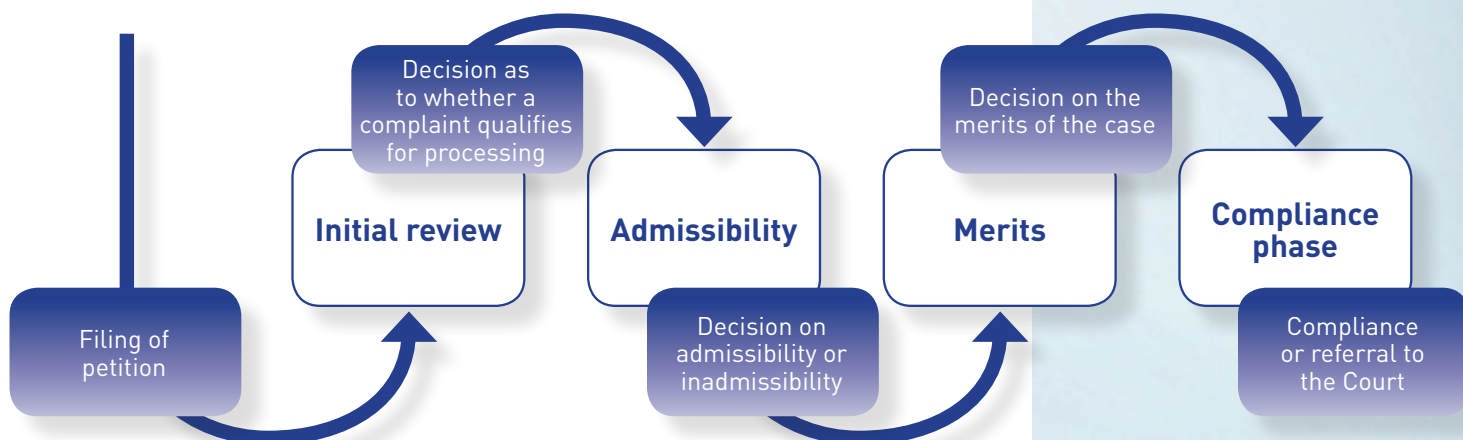
The IACHR remains in regular contact with the other regional human rights systems. There is a regular exchange of information with the European Court of Human Rights, collaboration with the African Commission, and contact with the newly created ASEAN Inter-governmental Human Rights Commission. These contacts have established that the organs of the regional systems have a mutual interest in compiling and sharing information on each other’s procedures and developments in case law, given the importance of that information in furthering the cause of human rights.

3.2. Individual petition system

For the last 20 years, one of the central focuses of the IACHR has been to strengthen the individual petition system. Through that system, the Commission decides individual petitions that span a wide range of challenges in the area of human rights. The case system has enabled significant strides to be made in strengthening the observance of human rights in the Americas. It has provided a means through which to resolve the complaints filed and to facilitate implementation of measures of non-repetition that bring about structural changes to prevent further violations of human rights.

The petition system has also been a source of recommendations, sometimes made in its country reports and thematic reports, that have been instrumental in enabling States to amend and adopt laws, public policy, programs and services that serve to ensure everyone's exercise and enjoyment of human rights, with particular emphasis on those groups that have historically been the victims of discrimination, such as women, children, indigenous peoples, Afro-descendants, migrants, those deprived of their liberty, and human rights defenders.

The procedure for filing individual petitions with the Commission consists of four major stages:



Receipt and initial evaluation

Receiving and conducting the initial review of petitions is the job of the Registry Office, which is a specialized unit within the Commission's Secretariat.

In that initial review, the Commission determines whether, based on a *prima facie* analysis, the petition states facts that could tend to establish a violation of the rights protected by inter-American human rights instruments, whether domestic remedies have been exhausted, and whether the requirements necessary to file a petition have been satisfied.

The attached graph illustrates the number of petitions that the Commission received each year in the period from 1997 to 2010. Estimates are that by the end of 2011, over 1600 petitions will have been received. From 1997 to 2003 the number of complaints received increased by 170%; each year there is a steady increase of about 10%.

Admissibility and merits phases

The contentious stage of individual case proceedings begins when the petition is forwarded to the State and is in two phases: in the first phase, the Commission must decide whether the petition meets the legal requirements to be considered on the merits (admissibility phase); if it decides that the petition is admissible, the next step is to determine, based on the arguments of fact and of law presented by the parties and any other elements that the Commission deems pertinent, whether or not the State is responsible for a violation of the American Convention on Human Rights and/or other inter-American instruments for the protection of human rights. At the present time, these two phases of the proceedings take, on average, six years.

For geographical and procedural considerations, the work involved in the contentious stage of the proceedings is divided among five Regional Sections: Andean Region I, which includes Colombia, Ecuador and Venezuela; Andean Region II, which includes Peru and Bolivia; the Southern Cone Region, which includes Argentina, Chile, Paraguay and Uruguay; the Mesoamerican Region, which includes Mexico, as well as El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, the Dominican Republic and Cuba; and the Region of English-, French- and Portuguese-speaking countries, which includes Canada, the United States, Brazil, Antigua and Barbuda, Barbados, the Bahamas, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

As of February 15, 2011, the individual petition system had 1,107 petitions in the admissibility phase (Andean Region I, 264; Andean Region II, 292;

Petitions received per year



Southern Cone Region, 220; Mesoamerican Region, 234; and the Region of English-, French- and Portuguese-speaking countries, 97). It also had 500 petitions in the merits phase (Andean Region I, 120; Andean Region II, 81; Southern Cone Region, 75; Mesoamerican Region, 101; and the Region of English-, French- and Portuguese-speaking countries, 123).

Friendly settlement

Within the petition system, one of the Commission's main functions is to make itself available to the parties with a view to facilitating a friendly settlement whenever the parties desire to pursue this course of action. Friendly settlement proceedings involve dialogue between the parties, facilitated by the Commission's good offices. The results can provide an alternative solution to settle the matter with some degree of satisfaction for the parties. The Commission makes the friendly settlement agreements public.

Friendly settlement proceedings afford a unique opportunity for dialogue between States and individuals or groups of individuals and provide a forum for discussions on such issues as reparations and even guarantees of non-repetition. The friendly settlements have been concluded with agreed upon measures that have had sweeping effects in terms of systemic reform in all public sectors –such as legislation, public policy, programs and services- and are instrumental in ushering in changes conducive to the observance of human rights.

Follow-up of recommendations

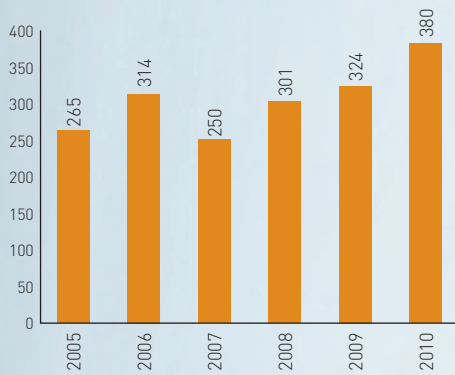
The follow-up phase begins when the report on the merits is forwarded to the parties or when the friendly settlement report is issued. This is an essential phase in ensuring that the individual petition system has the desired outcomes. The purpose of this process is to encourage compliance by informing the political bodies on the status of compliance with the Commission's recommendations. As of the date of this report, the Commission is following up the recommendations made or friendly settlements reached in a total of 286 cases. *(17)*

Litigation before the Court

Under Article 57 of the American Convention on Human Rights, “[t]he Commission shall appear in all cases before the Court.” The Commission plays a fundamental role in taking cases to the court, appearing there as the guarantor of the American Convention and the defender of the public interest. Specifically, in exercise of its authorities under Article 61 of the American Convention, the Commission has initiated all the cases that the Court has received. The Commission may also request that the Court adopt provisional measures, and has sole authority to institute this type of proceeding when the matter is not yet before the Court for consideration.

Photo: Commissioner José de Jesús Orozco and Commissioner María Silvia Guillén, during the IACHR's 138th Period of Sessions, in March 2010.



Requests for precautionary measures,
per year

Precautionary measures

Precautionary measures are one of the Commission's most effective means of protecting the rights of persons who are in imminent danger of irreparable harm. Indeed, precautionary measures have had a significant impact in protecting rights, especially the right to life and the right to personal integrity. These measures perform a "precautionary" function in the sense that by virtue of the Commission exercising its jurisdiction, a legal situation is preserved; they are "protective" measures in the sense that the exercise of the human rights recognized in instruments of the inter-American system is preserved, thereby avoiding irreparable harm to persons.

The IACHR receives an average of over 300 requests for precautionary measures each year, although the trend has been moving upward since 2008; according to the 2010 records it appears to have increased by 10% each year. In practice, the OAS Member States, the persons that use the system and the human rights community as a whole recognize precautionary and provisional measures as important tools for the protection of human rights in the Inter-American System.

Other measures of protection

Article 41 information requests

Article 41(d) of the American Convention provides that the Commission has the authority "to request the governments of Member States to supply it with information on the measures adopted by them in matters of human rights." The Commission exercises this authority within the framework of the follow-ups on general human rights situations, which are informally referred to as "Article 41 information requests".

Article XIV information requests

Article XIV of the Inter-American Convention on Forced Disappearance of Persons provides that "when the Inter-American Commission on Human Rights receives a petition or communication regarding an alleged forced disappearance, its Executive Secretariat shall urgently and confidentially address the respective government, and shall request that government to provide as soon as possible information as to the whereabouts of the allegedly disappeared person together with any other information it considers pertinent, and such request shall be without prejudice as to the admissibility of the petition."

3.3 Monitoring the situation of human rights in the countries

As part of its work of protecting and promoting human rights in the Americas, the Inter-American Commission observes the general situation in the Member States of the OAS.

The Commission's functions and powers as a principal organ of the Organization include conducting investigative or *in loco* visits to the OAS Member States. The purpose of those visits is to gather information on the general situation nationwide or in one particular region; to determine whether certain rights are being observed; or to check on the situation of a particular group of persons. The IACHR prepares the agenda for its visit with a view to discharging its functions of protecting and promoting human rights to the fullest effect possible; to that end, the government in question is to collaborate in every way possible and pledge not to in any way obstruct the Commission's oversight function.

One of the mechanisms frequently used to compile up-to-date information on the general situation of human rights in the Member States of the region are the general or thematic hearings. This practice has become more widespread in the last 20 years, as civil society in the Americas is being afforded an important opportunity to share with the Commission its concerns about the human rights situations in the Member States and the region in general. These visits also are an opportunity for the

Photo: In Venezuela, during a visit of the IACHR in 1998.



Commission to acquire firsthand information about situations, events and factors affecting the observance of human rights. The hearings, too, are an excellent way to promote and publicize the system, particularly since they have been broadcast by way of the Commission's page on the internet.

In order to make this oversight more effective, the Commissioners are assigned country and thematic rapporteurships. The country Rapporteurs are the contact point for those who turn to the inter-American system for special information on the human rights situations, cases and requests seeking precautionary measures filed with the inter-American system. Under this system, constant monitoring of the human rights situation in a given State is the function of the respective Rapporteur, using information, memoranda and studies prepared by the Regional Sections within the Executive Secretariat. In practice, the oversight function also continues during the working visits made by the Commissioner/Rapporteur.

The information compiled during the *in loco* visits, in the general hearings, and from the documents and information from various sources is used to prepare general or special reports on the situation being examined. The draft report that the Commission adopts is first transmitted to the State in question, which has an opportunity to submit any observations it deems pertinent.

Photo: A delegation of the IACHR during a meeting with police in Gonaïve, Haiti, in 2009.



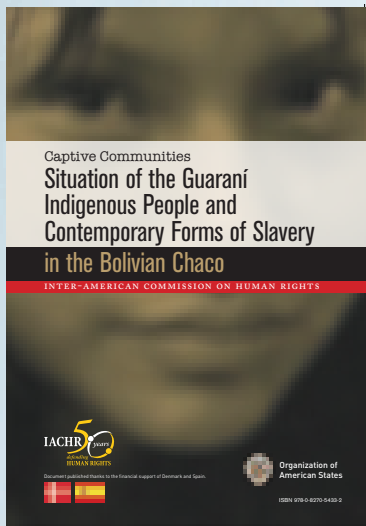
According to the provisions of the Rules of Procedure and the Statute pertaining to its mandate, the Inter-American Commission may publish its country reports either as a portion of a special chapter of the annual report that it presents each year to the OAS General Assembly, or separately. The reports that are published separately are, as a matter of practice, those that follow an *in loco* observation visit, although in some cases when the government does not extend an invitation to the Commission or give it permission to observe the situation *in situ*, the report is adopted on the basis of all other available sources of information. The reports in chapter IV of the annual report are for those Member States that have been of particular concern or interest to the Commission, based on five criteria defined and published in that document.

3.4. Thematic areas

Under Article 15(1) of the Commission's Rules of Procedure, "[t]he Commission may create rapporteurships with mandates that are linked to the fulfillment of its functions of promotion and protection of human rights and in accordance with the thematic areas deemed of special interest for achieving this purpose." By addressing thematic issues, the Commission is endeavoring to develop legal standards: issuing recommendations to the States on how to better comply with their legal obligations with respect to the human rights on the topics within the Rapporteurships' areas of competence; increasing awareness and understanding of the system, making the system more accessible to persons associated with a thematic area of the Inter-American System, and strengthening the Commission's ability to verify and protect their rights.



Photo: The Rapporteur on the Rights of Persons Deprived of Liberty, Commissioner Rodrigo Escobar Gil, gives a seminar in La Plata, Argentina, in June 2010.



The Commission has determined that the rapporteurships will be in the following thematic areas:

- the rights of women;
- the rights of the child;
- the rights of persons deprived of liberty;
- the rights of Afro-descendants;
- the rights of indigenous peoples;
- the rights of migrant workers and their families, and
- The rights of human rights defenders

The right to freedom of expression is also closely monitored by a Rapporteurship whose particular characteristics will be described later in this document.

The work done by the Rapporteurships fosters the observance of the rights of groups historically subjected to discrimination and of those receiving special protection, and serves to guarantee and advocate for their rights. The Rapporteurships use a variety of methods to achieve these ends:

- assisting with cases and matters brought into the individual petition system;
- preparing draft thematic reports for the Commission to consider;
- preparing draft reports on the situation of human rights in given countries, for the Commission to consider;
- conducting visits to countries;
- constantly monitoring the human rights situation of a population, community or group that requires that attention;
- conducting training or educational activities, and
- advising the Member States.

The Rights of Indigenous Peoples

In 1990, the Commission created the Rapporteurship on the Rights of Indigenous Peoples for the purpose of focusing special attention on indigenous peoples in the Americas who are particularly exposed to human rights violations because of their vulnerability, and for the purpose of strengthening, giving impetus to and organizing the Commission's activities in this area. (18)

The work of this Rapporteurship serves to promote respect for the individual and collective rights of indigenous and tribal peoples and of their members and to guarantee and advocate for those rights. It accomplishes this through all the tools at the Commission's disposal: (a) the Rapporteurship has been assigned cases, petitions and precautionary measures, as well as preparation of admissibility and merits reports that develop inter-American

Photo: Members of the Office of the Rapporteur on the Rights of Indigenous Peoples meeting with members of the Yakye Axa Community in Paraguay, during a visit carried out in September 2010.



case law on the subject of the rights of indigenous and tribal peoples; (b) it has produced thematic reports on matters of particular interest for the indigenous and tribal peoples; (c) it has produced reports on the situation of the human rights of indigenous and tribal peoples in countries of the Americas; (d) it monitors the situation of indigenous peoples by using response mechanisms like press releases or information requests sent to the States under Article 41 of the American Convention; (e) it trains indigenous leaders, authorities and attorneys by holding technical seminars and lectures on the system; (f) it is assisting in crafting the American Declaration on the Rights of Indigenous Peoples; and (g) it is coordinating activities conducted jointly with other international human rights protection mechanisms, in particular the United Nations Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

These and other lines of activity that the Rapporteurship pursues are of critical importance at this juncture in history, when the indigenous and tribal peoples of the hemisphere are exposed to structural discrimination –both *de jure* and *de facto*–, poverty and extreme poverty, loss of social and cultural integrity, violence and constant threats to the integrity of their territories by the imposition or onslaught of plans and projects in investment, development, infrastructure *or* mining of natural resources.

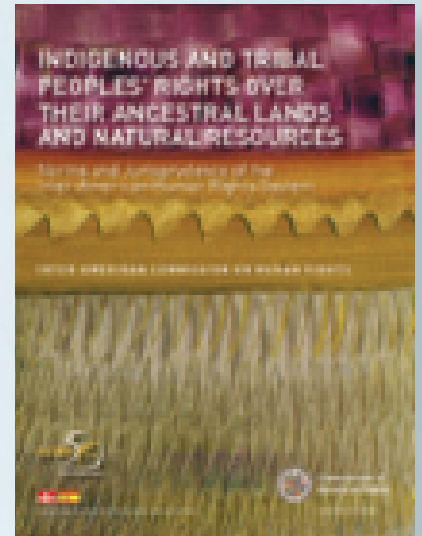
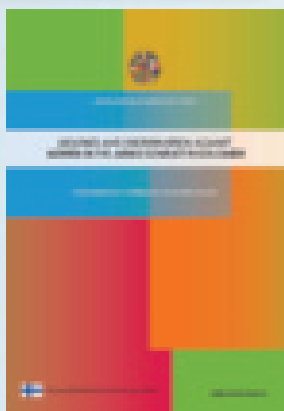


Photo: The IACHR talks with survivors and relatives of survivors of the Río Negro Massacre. Guatemala, June 2009.





At the present time, Commissioner Dinah Shelton is in charge of the Rapporteurship on the Rights of Indigenous Peoples.

The Rights of Women

The IACHR established its Rapporteurship on the Rights of Women in 1994 to focus special attention on the obstacles that prevent women from freely and fully exercising their basic rights. The Rapporteurship was also established to examine the extent to which the laws and practices in the Member States are in compliance with the general obligations set out in the regional instruments on human rights, among them the American Convention on Human Rights, the American Declaration of the Rights and Duties of Man and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”).

One of the main contributions of the Rapporteurship has been to assist the Commission when issuing recommendations made in cases and in thematic and country reports. The Commission’s recommendations have furthered the States’ compliance with their obligations at the domestic level, by means of a twofold approach: a) by clarifying what the States’ specific obligations are with respect to protecting women’s human rights, and b) by providing guidance in the drafting, design and amendment of legislation, public policy, and State programs and services whose purpose is to respect and ensure women’s human rights.

Between 2002 and 2009, the Rapporteurship made visits to Mexico, Guatemala, Colombia, Haiti, Chile and Bolivia, resulting in publication of a series of country reports in which it made recommendations at all levels of State action –including legislation, public policy, institutions, services, programs and the administration of justice- to help the State in question solve the challenges they face. With the support of the Rapporteurship, the Commission has also published regional thematic reports on the *Status of Women in the Americas* (1998), *Access to Justice for Women Victims of Violence in the Americas* (2007), and *Access to Maternal Health Services from a Human Rights Perspective* (2010), all of which contained general and specific recommendations for the States.

At the present time, Commissioner Luz Patricia Mejía Guerrero is in charge of the Rapporteurship on the Rights of Women.

The Rights of Migrant Workers and Their Families

The Rapporteurship on the Rights of Migrant Workers and Their Families, created in 1997, advocates for and protects the rights of the growing number of migrant workers in the hemisphere, as recognized in OAS General Assembly resolutions AG/RES. 1404 (XXVI-O/96) and AG/RES 1480 (XXVII-O/97).

In compliance with a mandate received from the Third Summit of Heads of State and Government of the Americas, the Rapporteurship took active part in the discussion and preparation of an Inter-American Program for the Protection and Promotion of the Human Rights of Migrants. The main thrust of that program, which the General Assembly approved in June 2005, is to protect the human rights of migrants by promoting public policies, legislation, a sharing of best practices and cooperation among countries of origin, transit and destination. The Rapporteurship also participated in the Inter-American Court's proceedings that led to Advisory Opinion OC-18 of September 17, 2003. It submitted a brief on the subject. Advisory Opinion OC-18 was prepared at the request of the Government of Mexico, concerning the scope of the right to equality and the principle of nondiscrimination and their application to the labor rights of migrant workers who are undocumented in the State in which they live and work.

Special studies done by the Commission have addressed some of the effects of the immigration phenomenon. Those special studies have been mentioned in a number of the progress reports that the Rapporteurship has prepared on the subject of migrant workers and their families, which the Commission approved and included in its annual reports. For example, the Rapporteurship has examined situations involving discrimination, racism and xenophobia; due process; detention conditions, and State immigration practices.

The Rapporteurship has examined the human rights situation of migrants in a number of OAS Member States and has issued reports with its findings and recommendations. In 2010, based on its visits to immigration deten-



Photo: The Rapporteur on the Rights of Migrant Workers, Commissioner Felipe González, during a visit to a migrant detention center in Texas, United States, in July 2009.

tion facilities, hearings, government reports, reports from civil society and a number of interviews, the Inter-American Commission prepared a report on the situation of immigrants deprived of their liberty and due process in the United States.

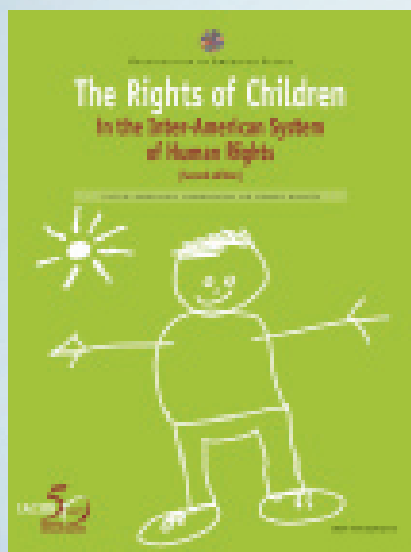
At the present time, Commissioner Felipe González is in charge of the Rapporteurship on the Rights of Migrant Workers and their Families



The Rights of Children and Adolescents

The Commission created the Rapporteurship on the Rights of the Child in 1998 for the purpose of strengthening and promoting the human rights of the children and adolescents subject to the jurisdiction of the OAS Member States. Since its creation, the Rapporteurship on the Rights of the Child has provided the Commission with technical support in the system of cases, petitions and precautionary measures; it has collaborated in drafting requests seeking an advisory opinion from the Inter-American Court and in preparing thematic reports. Among the preliminary objectives that the Rapporteurship established when it launched its activities was the preparation of proposals of effective measures that Member States could take to reduce the incidence of violations of children’s human rights.

The Rapporteurship has produced two editions of the book “The Rights of Children” (2002 and 2009) which is a collection of cases involving children’s rights and the information necessary to apply to the Inter-American System. The Report on Corporal Punishment and Human Rights of Children and Adolescents (2009), deals with the severity and seriousness of the practice of corporal punishment and recommends concrete measures to the States for full protection of children’s and adolescents’ human rights. The Rapporteurship prepared a report on Juvenile Justice and Human Rights, in which it examined the challenges faced by the juvenile criminal justice systems in Latin America and the Caribbean and developed recommendations to enable States to craft their practices and laws in the area of juvenile criminal justice in ways that are respectful of human rights of children and adolescents.



The Rapporteurship has participated in a number of *in loco* visits, has provided thematic support with preparation of case reports, and has organized and collaborated in a number of activities to promote the human rights of children and adolescents.

At the present time, Commissioner Paulo Sergio Pinheiro is in charge of the Rapporteurship on the Rights of Children.

The Rights of Persons Deprived of Liberty

The Rapporteurship on the Rights of Persons Deprived of Liberty was originally conceived as a Working Group to examine prison conditions in the Americas and the practices and legislation in the matter; to

prepare a thematic report and an instrument on prison conditions, with recommendations for prison reform. Later, in 2004, the first Commissioner Rapporteur on the Rights of Persons Deprived of Liberty was designated. The general mandate of this Rapporteurship is to conduct activities to protect and promote the rights of persons deprived of liberty. (19) It had a direct hand in drafting the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, which the Commission adopted at its 131st session. It has also participated in numerous academic and promotional activities and has provided technical assistance with the processing of petitions, cases, provisional measures, precautionary measures and other issues having to do with persons deprived of liberty.

Since its creation, the Rapporteurship has been charged with monitoring the situation of persons deprived of liberty throughout the entire region, which it does through the working visits it makes to prison facilities. Since 2004, the Rapporteurship has conducted 18 working visits in 15 countries of the hemisphere. It has also worked on establishing standards for processing individual cases and litigation before the Inter-American Court and has sought to protect individuals by seeking the Commission's urgent adoption of precautionary measures. In compliance with the Commission's function of providing advisory services to the States, the Rapporteurship has prepared a document that embodies the principles and best practices for the protection of persons deprived of liberty in the Americas. (20)

At the present time, Commissioner Rodrigo Escobar Gil is in charge of the Rapporteurship on the Rights of Persons Deprived of Liberty.

The Rights of Afro-descendants and against Racial Discrimination

The Inter-American Commission established the Rapporteurship on the Rights of Afro-descendants and against Racial Discrimination in 2005, in order to remind States of their duty to protect the rights of Afro-descendants

Photo: The IACHR during a visit to a prison in Puno, Peru. May 20, 1993.



and to eliminate all forms of racial discrimination. It was also created to examine the challenges that the region is currently facing and to make recommendations on the measures and best practices for overcoming them.

The Rapporteurship has provided technical assistance to the Working Group of the OAS Permanent Council's Committee on Juridical and Political Affairs that is charged with preparing a draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance. It visited Brazil in 2005 and Colombia in 2007.

The Rapporteurship also took part in the Durban Review Conference held in Geneva, Switzerland in April 2009, as well as two meetings held in preparation for that conference: one a regional meeting for Latin America and the Caribbean, held in Brasilia, Brazil in June 2008; the other a global meeting held in Geneva in October 2008. At the last conference, the IACHR Rapporteur gave a presentation on "Persons of African Descent: analyzing the progress made since Durban and the road ahead."

At the present time, Commissioner María Silvia Guillén is in charge of the Rapporteurship on the Rights of Afro-descendants and against Racial Discrimination.

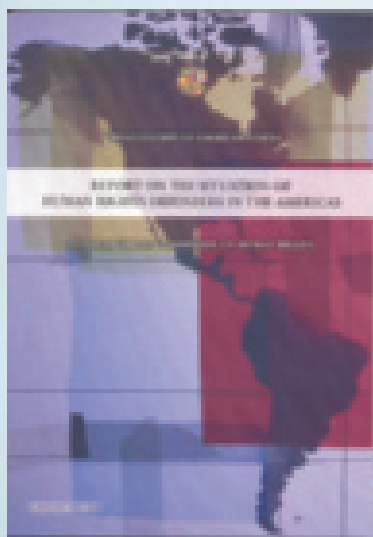
The Rights of Human Rights Defenders

In many countries of the region, human rights defenders lead a perilous existence and are the frequent targets of threats, attacks and other obstacles that make it difficult for them to do their work of defending the fundamental rights of the individual.

The Human Rights Defenders Unit was established in order to have a focal point within the Executive Secretariat to enable it to be in constant communication with the various international mechanisms that focus on the work that human rights defenders are doing and the problems they encounter. This initiative received overwhelming support from all sectors of the Americas. The OAS General Assembly has asked the Commission to continue to follow the situation of human rights defenders in the Americas and to carry on the work that this Unit performs.

During its 141st Period of Sessions, held in March 2011, the IACHR decided to create a Rapporteurship on Human Rights Defenders, in view of the petitions it has received and in the interest of giving greater visibility to the important role human rights defenders and justice operators have in building a democratic society in which the rule of law is in full effect. As a result, the Unit has been turned into a Rapporteurship.

At the present time, Commissioner José de Jesús Orozco is in charge of the Rapporteurship on Human Rights Defenders.



3.5. Special thematic area: Freedom of Expression

At its 97th regular session, held in October 1997, and in exercise of its authority under the Convention and its Rules of Procedure, the Commission decided, by unanimous vote, to create an Office of the Special Rapporteur for Freedom of Expression. It was established as a functionally independent, permanent unit with its own operating structure. The Office of the Special Rapporteur was also created in response to recommendations from broad sectors of society in the States of the hemisphere who were concerned over restrictions on freedom of expression and information. At its 98th special session in March of 1998, the Commission determined what the general characteristics and functions of the Office of the Special Rapporteur should be, and decided to establish a voluntary fund for economic assistance for the Office.

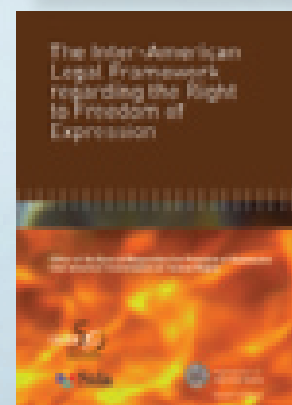
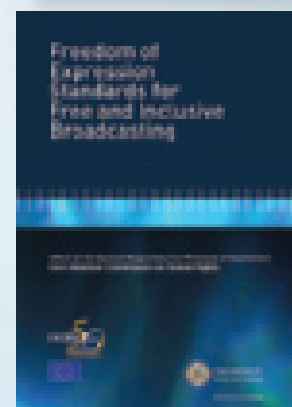
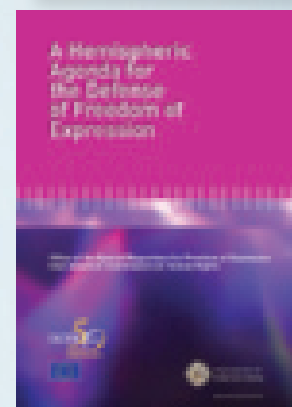
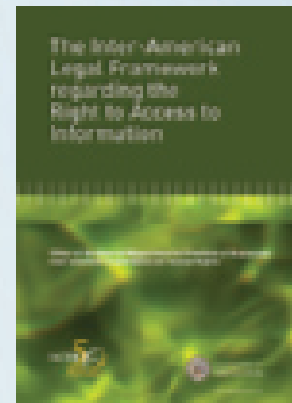
In creating the Office of the Special Rapporteur, the Commission sought to focus on stimulating an awareness of the importance of full observance of freedom of expression and information in the hemisphere, given the fundamental role it plays in the consolidation and advancement of the democratic system and in ensuring that other human rights are protected and violations reported. Its function is to make specific recommendations on freedom of expression and information to Member States in order to promote adoption of progressive measures to strengthen this right; to prepare specialized reports and studies on the subject; and to respond quickly to those petitions and other reports where violations of this right in an OAS Member State are being alleged.

The current Special Rapporteur on Freedom of Expression, Catalina Botero, was designated in 2008.

3.6. Advisory assistance to the political bodies of the OAS

One of the Commission's fundamental mandates is to serve as a consultative organ to the Member States in the area of human rights. The Commission discharges that mandate through the recommendations made in decisions on cases and matters brought to its attention through the individual petition system, the thematic recommendations the Commission makes, and the country reports. However, the Commission performs some consultative functions by advising the political organs of the OAS, especially the General Assembly and the Permanent Council's Committee on Juridical and Political Affairs.

In the period from 2005 to 2010, the Commission advised the OAS General Assembly on all its resolutions in the area of human rights. Furthermore, these advisory functions mean that the Commission must be present for and actively participate in the sessions of the OAS General Assembly, which affords it the opportunity to pursue an active bilateral agenda of meetings with foreign ministers and heads of mission. These functions are performed by the President of the Commission with the support of the Executive Secretary and staff of the Executive Secretariat.

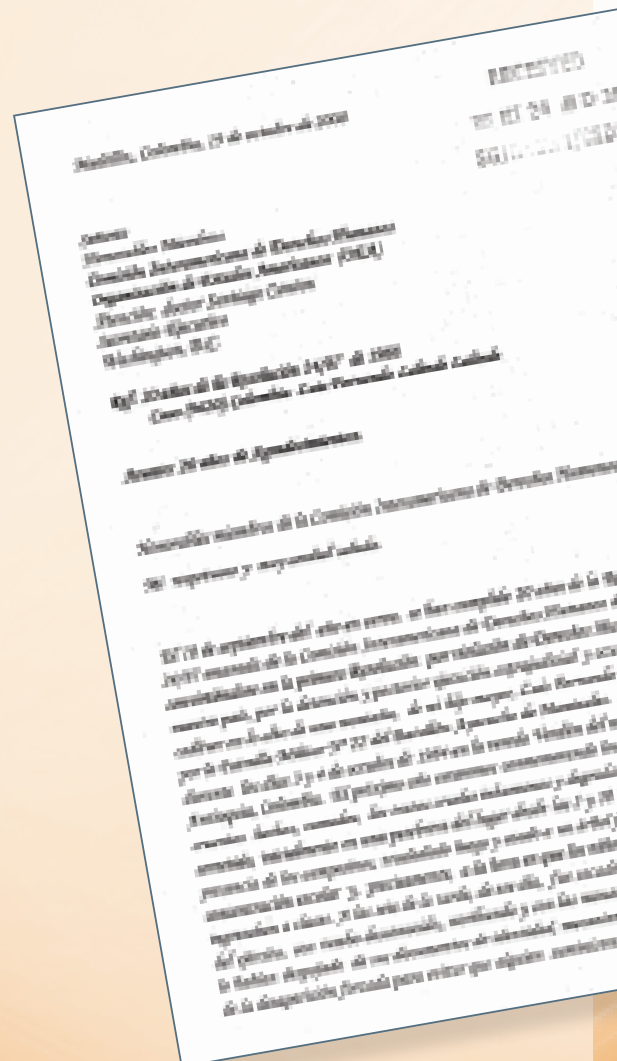


III. IMPACT OF THE IACHR

The inter-American human rights system was created a half century ago to defend the rights of individuals and groups. Over the course of time, as it has conducted its work, the Inter-American Commission has served that purpose, but has also addressed broader structural problems that affect millions of people. Through the visits it makes to countries and the country reports it prepares, for example, the Commission focuses on structural problems that have an impact on broad sectors of the population. In its decisions on cases, the Commission examines the victim's plight and recommends the measures necessary to do justice and make reparations, but it also examines the structural problems that underlie the violations and makes recommendations on how that underlying situation can be corrected through legislative reform, implementation of public policy and other avenues.

The evolution of the Commission over the course of its history reflects the role that it has played confronting authoritarian governments, in the transitions to democracy and in the consolidation of democracy. The Commission's decisions on the need to nullify the effects of the amnesty laws in the case of grievous violations of human rights perpetrated by dictatorships and authoritarian governments, the decisions made on election-related matters and freedom of expression, its recommendations regarding the participation of women and of indigenous peoples, are but a few examples. Through the recommendations it has made concerning structural situations that affect the enjoyment and exercise of rights by millions of people, the Inter-American Commission has played a preventive role that is essential to avoid the occurrence of human rights violations.

This chapter offers some examples of the impact that the inter-American system has had in its first 50 years. It will begin with an examination of the impact that the Commission has had on victims of human rights violations, as it was their defense that was the principal purpose for the creation of the Commission. It will then examine the impact of the Commission's work on groups that have historically been the targets of discrimination. Thirdly, the Commission's impact at the structural level is described, divided into three sections: the Commission and authoritarian governments; the Commission and transitions to democracy; and the Commission and consolidation of democracy.



1. THE IACHR AND THE VICTIMS OF HUMAN RIGHTS VIOLATIONS

Fabiola Lalinde is the mother of Luis Fernando Lalinde, who was the subject of a resolution that the Commission approved in Case 9,620. The Commission determined that Luis Fernando Lalinde had been kidnapped, tortured and murdered by a military patrol in Colombia. On October 18, 2008, Fabiola Lalinde wrote the Commission a letter. The following are some passages of that letter, reprinted here with her permission:

On September 18 of this year, it will have been 20 years since the OAS Inter-American Commission on Human Rights adopted Resolution 24/87 in which it held that Military Patrol No. 22 of the Manizales Ayacucho Battalion had detained my eldest son Luis Fernando Lalinde, then extra judicially executed him and concealed his body atop a mountain. Luis Fernando was a fine young man whose sensitivity to social issues was apparent even as a little child. He was 26 years old at the time of his death, and was about to graduate with a degree in sociology. We never imagined the pain and suffering that awaited us in learning the truth about his disappearance.

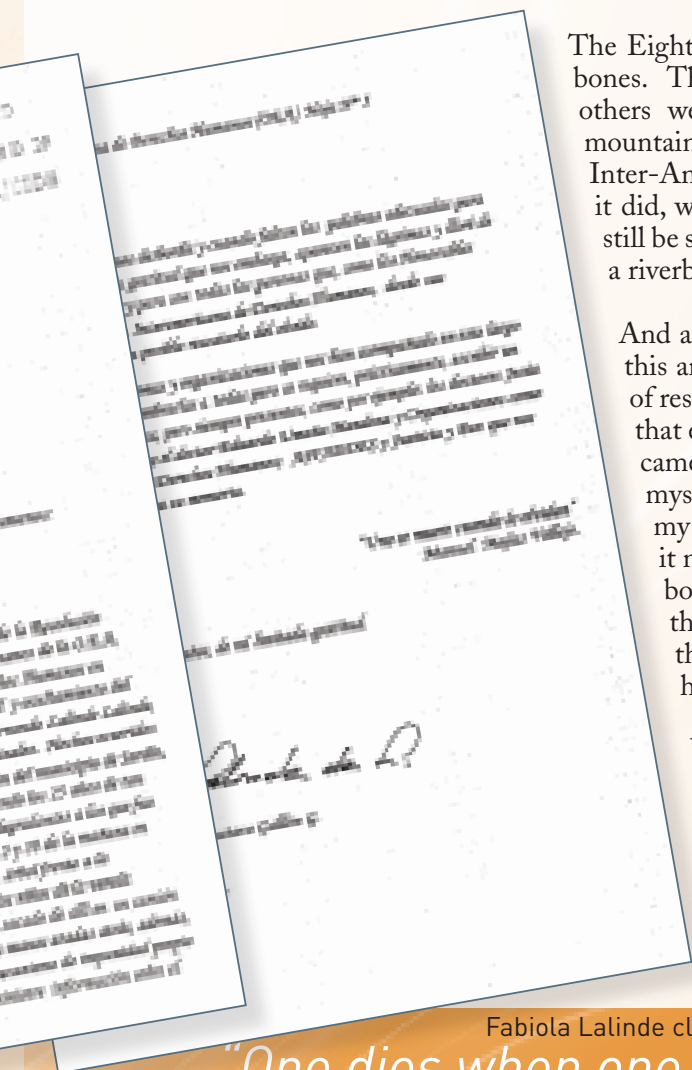
The Eighth Army Brigade handed me a cardboard box containing 68 bones. They had been exhumed, some from the root of a tree, while others were found scattered around, in the upper reaches of the mountain. Every day we are more and more certain that had the OAS Inter-American Commission on Human Rights not intervened when it did, we would never have known the truth and his remains would still be scattered up there on the mountain or in a common grave or in a riverbed, as is happening in Colombia at the present time.

And as we visited his grave on this anniversary, I thought about all this and what these twenty years since the Commission's adoption of resolution 24/87 have meant to the family; the wave of solidarity that engulfed us until the truth of what happened to my son finally came to light. As I gazed at the name plate at his grave I asked myself this: How do we express our gratitude? How can I convey my feelings and what the discovery of his remains has meant; what it means to us to have given him back his identity and buried his bones in a manner befitting the dignity of a human being, amid this humanitarian crisis that this country is experiencing and that has converted the countryside into an enormous grave that has swallowed up thousands of unidentified bodies?

When solidarity surrounds us and we cannot find adequate words to express the profound sense of gratitude we feel, the tears come. I cried, thankful to God and to all those who, like the honorable members of the Inter-American Commission on Human Rights, rallied their organizations to our cause and made it possible to rescue my son from oblivion.

Fabiola Lalinde closed her letter with a quote from Manuel Mejías Vallejo:

"One dies when one is forgotten."



A central element in the case of her son's death had to do with the right to the truth and the right to justice, the very same rights at stake in the case of José Iván Correa, a student from Chiapas who died in 1991 from a bullet wound.

Through a friendly settlement process conducted with the Commission's good offices, the Governor of the State of Chiapas apologized to the members of José Iván Correa's family, in a public ceremony in which the State acknowledged the State's responsibility. The ceremony was held in the city of Tuxtla Gutiérrez on March 5, 2009. That day, a commemorative plaque was mounted in the high school library; the State also paid reparations for pecuniary and non-pecuniary damages suffered by the next of kin. The latter were also enrolled in the public health insurance program. Some days after the ceremony, on March 17, 2009, the father of José Iván Correa, Juan Ignacio Correa, wrote these words in a letter sent to the Commission:

At this moment, I am at a loss for words to tell you how very grateful my family and I are; thanks to your involvement in this shocking matter, you, representing the IACHR, an esteemed international human rights organization, a humanitarian and seemingly solution was found after 18 years of struggle; and tribute and honor were finally paid to my beloved son, struck down in the prime of his youth. (...) My thanks for your selfless effort... Thank you for being there.

The ceremony at which the State acknowledged responsibility and requested the next of kin's forgiveness was the event that, for the victim's father, marked the end of a struggle that he had undertaken to reclaim his son's good name. At that ceremony, Juan Ignacio Correa said the following: "In 1993 I went to Mexico City to begin this terrible struggle. It ends for me today."



Photo courtesy of Miguel Abarca

Photo: Juan Ignacio Correa with a photo of his son at the ceremony in which the State apologized for the lack of a diligent investigation into the murder of José Iván Correa. March 17, 2009. (Photo courtesy of Miguel Abarca)

Another ceremony at which the State publicly acknowledged its responsibility was held in Asunción on June 6, 2006. Speaking for the State, the Minister of Foreign Affairs of Paraguay asked forgiveness from the mother of Víctor Hugo Maciel, who in 1995, at age 15, was recruited into Compulsory Military Service in the Paraguayan Army. Víctor Hugo Maciel died on October 2, 1995, as a consequence of the extreme exercises that his unit was given as corporal punishment for not having stamped the floor with their boots with sufficient force at formation time.

"When I received my son's body, I couldn't stop crying," said his mother, Ana Francisca Alcaráz, in a documentary film made by the petitioner organizations in this case. She said that the person who handed over his body told her "that my son probably died of Chagas disease, after being bitten by a *vinchuca* [a parasitic insect that is the vector of Chagas disease]. I told him that if they knew my son had Chagas disease, why didn't they discharge him from military service. God gave me the strength to speak. I refused to let my other son do military service, because he was the only son I had left." The case was closed in the military courts; the case in the civilian courts had gone nowhere. "I have had many hard times in life, but

my greatest sadness was not knowing how my son died,” the mother said. The case came to the IACHR on March 14, 1996.

In keeping with the Commission’s recommendations, a ceremony where the State acknowledged responsibility and apologized was held, the first of its type in Paraguay. Facing the victim’s next of kin were officials from the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Justice and Labor, the Attorney General, the Commander of the Armed Forces and other high-ranking military. Addressing the mother of Víctor Hugo Maciel, the Foreign Minister said the following: “From the depths of my soul, and speaking as a mother and as a representative of the Government, I ask forgiveness

from you, doña Francisca, and from your family.” Today, the street on which Ana Francisca Alcaráz lives bears her son’s name.

The ceremony was important for the family. But the mother of Victor Hugo Maciel had made it very clear that what mattered to her was that this sort of episode was never repeated. In the documentary mentioned above, she said in Guarani: “*I hope what happened to my son never happens to anyone. Because the void is never filled. Never.*”

The objective that Ana Francisca Alcaráz sought was achieved. As the Commission had recommended, Paraguay amended its law on Compulsory Military Service to prohibit the enlistment of minors

Photo: The mothers of two minors who had been forcibly recruited by the Paraguayan Army, at the November 2009 ceremony in which the State recognized its responsibility for the disappearance of the two boys, Marcelino Gómez Paredes and Cristian Ariel Núñez. Following the signing of a friendly settlement agreement in the case of the child soldier Víctor Hugo Maciel, Paraguay changed its laws to prohibit anyone under the age of 18 from joining the Army. (Photo courtesy of CEJIL)



under the age of 18. “The battle was not fought in vain. The objective was achieved,” said Víctor Hugo Maciel’s uncle and the brother of Ana Francisca Alcaráz, speaking about the ban on recruitment of children.

The ceremonies at which States acknowledge responsibility and ask forgiveness from the victims’ family members help ease the pain and give them the strength to carry on with their lives. The case of Víctor Hugo Maciel is one of so many examples that reveal the two dimensions of the Commission’s mission: at the individual level, justice was served by the State’s acknowledgement of responsibility

and its apology, naming the street where he lived in the victim’s honor and paying economic reparations to the family. At the structural level, the case also played a key role in bringing about a change of preventive importance. In Paraguay, thousands of children were recruited to serve in the Army. Between 1989 and the date of the law’s amendment, 113 young Paraguayans perished in the compulsory military service; 60 of these were children. The case brought to the Commission, after the Paraguayan State fulfilled the commitments undertaken in the friendly settlement, put an end to this situation. As a result, no more Paraguayan children will be recruited into the military.

2. THE IACHR AND GROUPS THAT HAVE HISTORICALLY BEEN THE TARGETS OF DISCRIMINATION

The human rights violations committed against persons who turn to the Commission are often a function of their belonging to a group in society that has historically been the victim of discrimination. These groups include women, Afro-descendants, indigenous peoples, the poor, members of the LGBTBI community and persons deprived of their liberty

Women

In 2006 Brazil approved the “Maria da Penha Act”, which establishes penalties for acts of domestic and intra-family violence against women, promotes programs to rehabilitate offenders and establishes special police forces and courts. The law is named after Maria da Penha Maia Fernandes, who was the victim of a case of domestic violence that came to the Commission. María da Penha is a Brazilian pharmacist who was battered by her husband for years and was ultimately left a paraplegic when he shot her while she was sleeping. The attacks on Mrs. Fernandes and the problems she encountered in her quest for justice exposed Brazil’s tolerance

for the violence that thousands of women endure day after day. In its report on the case, the IACHR held the Brazilian State responsible for the violation of Maria da Penha Maia Fernandes’ human rights, as her case fit into a broader pattern of the Brazilian courts’ tolerance for violence perpetrated against women. The Commission recommended to the State that it take measures to ensure the effective punishment, prevention and eradication of violence against women. The result was the passage of an anti-domestic violence law that introduced special courts, training for special police forces to take the lead in cases of domestic violence and other measures. In August 2008, María da Penha Maia Fernandes received a token compensation of R\$ 60,000 (approximately US\$ 30,000) in a public ceremony led by the President of Brazil, Luiz Inácio Lula da Silva. “This woman emerged from the ashes to become a symbol of the struggle against domestic violence in our country,” said the President. One year after the Commission issued its report on the merits, the Brazilian courts convicted the former husband, who was jailed in 2002.

The *María da Penha* case is a paradigmatic case, but there are many other cases that concern the rights of women and through which the Commission achieved major reforms. For example, a case in Guatemala that came to the Commission resulted in the amendment of the Civil Code to recognize that a husband and wife have the same rights. The case of *María Eugenia Morales de Sierra* concerned the articles of the Guatemalan Civil Code that defined the role of each spouse in marriage and made distinctions between husband and wife that were discriminatory and in violation of the American Convention on Human Rights. The

petitioners alleged that the Civil Code gave the husband the authority to administer the conjugal property, as well as conjugal representation; only in exceptional instances could the wife exercise this authority. The petitioners also pointed out that the Civil Code conferred upon the wife the special “right and obligation” to care for the minor children and the home; it also provided that a married woman could only practice a profession or have a job if it did not interfere with her role as mother and homemaker, and that for “justified reasons” a husband could object to his wife having any activities outside the home. On October 1, 1998, the

At the time I married, marriage was perceived as a lifetime commitment to the person I chose to marry. I began to notice changes in my husband’s behavior when I was carrying my second child. I began to see in him an authoritarian, violent person (...)

My struggle really began when I was the victim of a murder attempt. I felt the State had abandoned me. The Ceará Women’s Movement was just getting started at the time. I searched it out and went and asked for help. I said that when they staged demonstrations, I wanted to be there, and I asked for their help in seeking justice. That was what happened (...)

We sent the case to the Inter-American Commission on Human Rights (...), which found that Brazil had been negligent on the question of domestic violence, and that it had fostered impunity, since less than 2% of the aggressors in cases of domestic violence ever stood trial. And thanks to this, to the information published by the women’s movements, and to my petition, Brazil was found responsible under international law and ordered to amend its laws to better protect women. (...)

It was very important for me to file the complaint, because it brought to international attention the fact that countless women are victims of machismo; it also exposed the State’s lack of commitment to put an end to impunity. I felt vindicated for all the times that, even in the face of humiliation, I expressed my indignation and demanded justice so that my case would not be forgotten. (...)

I believe society was waiting for this law. Heretofore, there was no way to file a complaint and have one’s case heard, so as to save one’s life. Now women no longer have to feel ashamed (about filing a complaint). (...) I welcomed (the law) as a positive measure on the government’s part, since it was among the recommendations made by the OAS; the government was finally taking action. We have made progress; positive measures have been taken within the federal government, such as the creation of the Special Secretariat on Policies for Women. Even so, much remains to be done.



—*María da Penha Maia Fernandes.*

Statements made in interviews with various media outlets

Commission concluded that the Guatemalan State was responsible for violation of María Eugenia Morales de Sierra's rights to equal protection, to respect for her family life and respect for her private life, recognized in the American Convention on Human Rights, and for violation of the obligations established in the Convention on the Elimination of All forms of Discrimination against Women. Accordingly, the Commission recommended that the State take the legislative and other measures necessary to amend, repeal or otherwise nullify various articles of the Civil Code to bring domestic law in line with the provisions of the American Convention and to give full effect to the rights and freedoms that the Convention guarantees to María Eugenia Morales de Sierra. In compliance with the Commission's recommendations, Guatemala amended most of the provisions of the Civil Code that were challenged in this case. On December 3, 2004, the Government informed the Commission that it had introduced the amendments to articles 109, 110, 113, 114, 115, 131, 133 and 255 of the Civil Code, to give equal rights to men and women.

In Bolivia, another friendly settlement report resulting from a case the Commission processed led to training for civil servants at all levels of

the judicial branch in matters related to violence and discrimination against women. The IACHR had approved an admissibility report on October 10, 2001, in the MZ case. In 1994, MZ had been violently raped in her home in Bolivia. Despite the complaint that she filed and the evidence available, the Bolivian courts acquitted her assailant on grounds that were arbitrary and discriminatory, such as whether or not she had screamed and the question of her virginity. The case was one of a lack of due diligence in the administration of justice, the failure to convict and punish MZ's rapist based on gender-based prejudices and biases. On March 11, 2008, the parties signed a friendly settlement in which the State acknowledged its international responsibility for the violation of MZ's rights under the American Convention and the Convention of Belém do Pará, in particular, every woman's right to live free from violence and the State's obligation to act with due diligence to prevent, investigate and punish such acts. The settlement explicitly stated that the MZ case represented only one among many women victims of sexual violence. They were doubly victimized by the Bolivian system of justice. In the settlement, the State also pledged to adopt measures to avoid a recurrence of these events and to implement public policies aimed at ensuring respect for the rights of all women, and training for public servants in the justice system about how the courts should respond to matters related to violence and discrimination against women.

In July 2008, the Minister of Foreign Affairs, David Choquehuanca, publicly acknowledged the Bolivian State's international responsibility, at a ceremony held at the Foreign Ministry. He asked pardon for the conduct of the Bolivian judicial system. In June 2009, the IACHR Rapporteur for the Rights of Women and staff of the Executive Secretariat



Photo: The Rapporteur on the Rights of Women, Commissioner Luz Patricia Mejía, gave a workshop to train staff at all levels of the judiciary in Bolivia in matters related to violence and discrimination against women, as part of the friendly settlement signed in the Case of MZ. June 2009.

participated in workshops organized by the Bolivian authorities and held in Sucre, designed to teach public servants at all levels of the judicial branch about issues related to violence and discrimination against women.



Much remains to be done in the region to defend and protect women's rights. The IACHR is working very hard on this issue. In recent years, the Commission prepared reports on the rights of women in Haiti, in Chile, and in the context of the armed conflict in Colombia. Recently, two thematic reports have been published as well, *Access to Justice for Women Victims of Domestic Violence in the Americas* and *Access to Maternal Health Services from a Human Rights Perspective*. Both contain specific recommendations for the OAS Member States, intended as a way to collaborate with the States in designing and putting into practice State policies that factor in the types of discrimination and violence that women in the region suffer, as to make headway in analyzing, preventing and responding to these problems and mainstreaming women's needs into the public agenda. The recommendations contained in the report on Access to Justice are geared toward devising State intervention and measures to ensure a suitable, immediate, prompt, exhaustive, serious and impartial response when women are the victims of acts of violence. For its part, the report on Access to Maternal Health Services offers recommendations to ensure that States guarantee equal protection for women's right to personal integrity in access to maternal health services.

Indigenous Peoples

On December 14, 2008, Nicaragua gave the Awas Tingni Community title to 73,000 hectares of its territory on Nicaragua's Atlantic Coast. It was the culmination of a long process that had started decades earlier. The Inter-American system's decision on this case made history. This was the first case concerning indigenous collective ownership of property, a case that the Commission submit-

ted to the Court and that became a milestone when the Court's judgment recognized the indigenous community's rights to ownership of the land. The Court's judgment stated, *inter alia*, the following: "Indigenous groups, by the fact of their very existence, have the right to live freely in their own territory; the close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations." This judgment became a legal precedent of enormous importance in international human rights law.

Ancestral lands were turned over to indigenous communities as the result of another case presented to and processed by the IACHR. The Paraguayan State acquired 21,800 hectares of land in the Pozo Colorado district of El Chaco, turned them over to the Lamexay and Riachito (Kayleyphapopyet) indigenous communities of the Enxet-Sanapaná people, and put title in their name in July of 1998, in keeping with the terms of the friendly settlement agreement signed on March 25, 1998. The President of the Republic handed over the property titles to the representatives of the communities in the presence of the Commission.

The Commission has also granted precautionary measures requesting suspension of the mining of energy-related and mineral natural resources until the cases in progress could be decided. The claims made in these cases were that some of these activities were allegedly affecting the indigenous peoples' rights over their territories. Some cases claim violations of the right to life on the grounds that the mining activities are polluting the waters that the indigenous peoples drink, killing the animals and fish that are a staple of their diets, or flooding the lands on which they live.

On a recent late morning in Nicaragua I landed in a Soviet-made helicopter (...) in the remote community of Awas Tingni to witness a historic event, the handing over of the long sought after title to the community's traditional territory (...) For the first time ever Nicaragua would formally recognize that these lands belong to Awas Tingni, a Mayangna community of about 1,500 people (...). This day would be the culmination of a struggle that has been at the forefront of efforts by indigenous peoples worldwide to reverse historical trends and regain control of ancestral lands and full respect for their human rights (...)

This was the first case in which an international tribunal with legally binding authority found a government in violation of the collective land rights of an indigenous group. The judgment set an important precedent for the rights of indigenous peoples in international law, signaling to governments that a new era of respect for indigenous rights was in the making. (...)

Evelyn Taylor, an official of the Nicaraguan government titling agency, clearly understood the significance of the title document she held in her hands as she stood before those recently gathered at Awas Tingni. She read the entire document, making her way through its legalistic and sometimes impenetrable wording as community members looked intently on. The Attorney General then took the title document and ceremoniously handed it over to Jonathon Levi, Awas Tingni's current Sindico, or principal leader, who in turn made an impassioned speech about the meaning of the title to the community. (...)

The Attorney General and Jonathon physically embraced and jointly gripped the title document. Brooklyn Rivera, Lumberto Campbell, others, and I joined in the embrace, to the applause of all, for all of us recognized something important, with implications far beyond the tiny village of Awas Tingni on the Atlantic Coast of Nicaragua, had transpired on this historic day.

James Anaya

January 5, 2009, Petitioner before the IACHR in the Awas Tingni case and UN Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous Peoples



Photo: Petitioner James Anaya and members of the Awas Tingni Community, with the property title to their lands. December 14, 2008.

The work of the IACHR in the area of indigenous peoples' right has been vital and is growing in importance.

Persons living with HIV-AIDS

On February 29, 2000, the Commission granted precautionary measures for Jorge Odir Miranda Cortez and another 26 members of El Salvador's *Asociación Atlacatl Vivo Positivo* [Atlacatl Association for a Positive Life]. The beneficiaries of the measure were persons living with HIV who did not have access to the medications necessary to treat the virus. The Commission asked the Salvadoran State to provide the proper treatment, antiretroviral medications, and hospital, pharmacological and

nutritional care. On June 26, 2000, the Executive Board of the Salvadoran Social Security Institute authorized the procurement of the triple antiretroviral therapy for persons who are carriers of HIV-AIDS in the country, and the State began to provide the requested treatment free of charge. This precautionary measure requested by the IACHR, and the merits report on this case, were instrumental in bringing about the adoption of a public policy in El Salvador that guarantees proper treatment to all persons living with HIV in El Salvador.

In November 2001, the Inter-American Commission granted precautionary measures for Juan Pablo Améstica Cáceres, Manuel Orlando Farías and

Náyade Orieta Rojas Vera in Chile. All the beneficiaries were persons living with HIV who turned to the Commission because they believed their rights to life and to health were in grave peril. The IACHR asked the State to take urgent measures so that the beneficiaries might have access to the medications essential for their survival, and the medical examinations and tests that would make it possible for them to regularly check their health condition. On December 5 of that year, the State reported that the beneficiaries were already receiving medication and were receiving medical examinations through State services to evaluate their health condition.

Other groups, communities and populations

The work the IACHR does to defend the rights of persons who have historically been the targets of discrimination continues to expand, both with the groups that the Commission has been working with for decades, and among others whose members have only recently started to turn to the Inter-American System. The Commission has thematic rapporteurships that specialize in protecting and promoting the rights of Afro-descendants, women, persons deprived of liberty, indigenous peoples, migrants and their families, and children. The work the Commission performs in connection with the rights of members of the LGBTBI community and the elderly is also growing in importance.

3. THE IACHR AND THE RULE OF LAW

a. The IACHR and the authoritarian governments

The work done by the Commission regarding countries living under dictatorships or authoritarian governments has been the key to stopping massive human rights violations and facilitating transitions to democracy. For example, the Commission's visits to Argentina in 1979 and to Peru in 1998 changed the course of history in both countries. On the one hand, the visits made it possible for the international community to hear the real facts in each country from one of the principal organs of the OAS, facts that the regime in power was trying to hide. On the other hand, the Commission's visits served to strengthen local human rights organizations, which both regimes were constantly discrediting and repressing. Each visit gave the

local organizations an important forum in which to present their complaints and have them proven in the eyes of the international community. Victims of human rights violations and their families were given hope, knowing that all their efforts to expose the truth and see justice done had not been in vain and that the Commission would provide the recourse that they had been denied in their own countries. The Commission was a prominent protagonist at a critical moment in the history of each country.

Argentina, 1979

At the events held in Buenos Aires in 2009 to celebrate the 30th anniversary of the Commission's visit, Jorge Taiana, by then Argentina's Minister of Foreign Affairs, said that "despite the fear and amid a campaign waged to discredit and harass the Commission and human rights organizations, the

When I was 16 years old, members of the military violently burst into the bedroom I was sharing with my 17-year-old brother, Rubén, and cold-bloodedly shot him in front of my eyes. They took us away blindfolded, with our feet and hands tied. The shouts, the abuse, the threats, the later handover of my brother's tortured body to my family, and my detention at the Villa Devoto Prison were all part of a story I was determined to tell the IACHR. When the Commission's visit to Argentina was announced, I had already been incarcerated for two years, without any charges or judicial proceedings having been brought against me.

The Commission's visit to Argentina meant that we would have the chance to offer our individual and collective testimony before a trustworthy organization; it meant the hope of transcending, through our denunciations, the walls of horror and national secrecy. The dictatorship designed a strategy that aimed to cover up and obstruct the verification mission. As part of that plan, they transferred me and another 12 female prisoners under 21 years of age to a cellblock that was isolated from the rest, which kept us from meeting with the IACHR.

Despite the dictatorship's schemes, the Commission visited prisons, verified the existence of clandestine burials in cemeteries, and received more than 5,500 complaints, mainly from relatives of the disappeared. In that way, the IACHR was able to establish the existence of a systematic policy of grave violations of human rights recognized in the American Declaration.

When the IACHR conveyed its report to the dictatorial regime, the government prohibited it from being circulated and unleashed a smear campaign against the IACHR and the NGOs and family members who had filed complaints with the Commission. The dictatorship set about denying the Commission's findings and justifying its actions. But the IACHR's pronouncement gave legitimacy to the very voices the dictatorship was seeking to silence and crush with its repressive apparatus. The Commission's visit and its report had the effect of discrediting the dictatorship and bringing to light the systematic human rights violations that were being perpetrated in the country.

In the work I do every day at the IACHR Executive Secretariat, I always hold in my memory and in my heart the thousands of Rubéns who were killed, tortured, and disappeared by the military dictatorship. As an attorney with the Commission, I try to contribute my little grain of sand to help the Commissioners continue their task of defending human dignity.

—E. Débora Benchoam, former political prisoner and current staff attorney with the IACHR

presence of an international organization allowed countless persons to go to the offices of the OAS on Avenida de Mayo to give their testimony and file complaints concerning the disappearance of their relatives and friends." The Commission took testimony in Buenos Aires from September 7 to 15, 1979; in Córdoba, from September 10 to 14, and in Tucumán on September 14 and 15. It received a total of 5,580 complaints: of these 4,153 were new complaints; the remaining 1,261 concerned cases already in process with the Commission. Taty Almeida, president of the organization known as the "Madres de Plaza de Mayo" was one of those who appeared before the Commission to file a com-

plaint concerning her disappeared son. "I remember standing on the street in a line, full of hope and emotion, but pain, too. We thought that because this was the OAS, we would find out something about our children," said Almeida in a newspaper interview in 2009. "Unfortunately we learned absolutely nothing; even so, because of this mission, the world learned what was happening; they realized that we were not so crazy after all," Almeida said.

The delegation from the IACHR visited a number of places where political prisoners were held, such as the *Escuela de Mecánica de la Armada* (ESMA) [Navy Petty Officers School of Mechanics], now the site

The enthusiasm of family members was echoed out of the darkness of the prisons, where political prisoners—and I was one of them—accepted the international community's support of our relatives and friends with a sense of cautious joy. (...) Despite our perilous situation, we were confident that the visit of the Commission (Inter-American Commission on Human Rights) would curb the abductions and weaken the genocidal dictatorship; that from then on, it would be less likely that prisoners would be dragged from their cells and shot, as had happened before in Unit N 9 in La Plata, where I had witnessed a number of such crimes.

—Jorge Taiana

of the *Museo de la Memoria* [Museum of Memory]. It also met with the dictator at that time, Jorge Rafael Videla, and other officials of the *de facto* government, human rights organizations and other representatives of civil society. On April 18, 1980, the IACHR published its Report on the Situation of Human Rights in Argentina, which exposed the crimes of the military dictatorship for the world to see and described massive and systematic violations of

human rights, such as arbitrary detentions, torture, and forced disappearances. Adolfo Pérez Esquivel, secretary general of the *Servicio de Justicia y Paz* (SERPAJ) [Justice and Peace Service] observed in a newspaper interview in 2009 how important the Commission's final report was in laying bare the massive and systematic violations of human rights. Taiana, for his part, said that the mission "was a turning point in the restoration of the rule of law" in Argentina.

Peru, 1998

In the 1990s the Commission denounced the human rights violations and the weakening of the rule of law in Peru under the authoritarian government of Fujimori/Montesinos. In addition to processing many complaints of human rights violations from Peru, the Commission made two visits to Peru in that period: one in 1993 and another in 1998.

The 1998 visit to Peru and the country report published by the Commission in 2000, smoothed the transition to democracy. In the final observations of the 2000 report, the Commission concluded that the weakening of the fundamental principles of democratic rule of law in the Republic of Peru

Photo: In 1979, the IACHR took the testimony of political prisoners at the Villa Devoto Prison in Argentina. (Photo courtesy of the Buenos Aires newspaper *La Nación*.)



Peru owes much to the Inter-American Commission on Human Rights for its work in defending democracy and human rights. The Commission was critical in protecting individuals and restoring our democracy.

—Former President Alejandro Toledo

The Inter-American Commission on Human Rights showed us the best of what the inter-American system for the protection of human rights is capable of doing when it puts its mind to it. The debt that Peru owes to the Inter-American Human Rights System will be difficult to repay.

—Susana Villarán, Mayor of Lima

was incompatible with the State's obligations under the American Convention on Human Rights. The Commission observed that the May 2000 election of Alberto Fujimori had not been conducted in accordance with the guarantees of free and fair elections essential for the sovereign exercise of the Peruvian people's will, in violation of Article 23 of the American Convention. The Inter-American Commission pointed out that the electoral process clearly constituted an irregular interruption of the democratic process of the kind referred to in Resolution 1080, adopted by the OAS General Assembly in 1991. The Commission urged that the rule of law be restored in Peru and that, within a reasonable period, free, sovereign, fair and authentic elections be convened that complied with the respective international standards.

The IACHR presented the report to the OAS General Assembly when it convened in Windsor, Canada, in June 2000. There, the Commission observed that Alberto Fujimori's candidacy for the Presidency for a third consecutive term was not lawful, and noted that there had been complaints of election fraud. It told the General Assembly that the situation in Peru was a serious violation of the political rights recognized in Article 23 of the American Convention on Human Rights. The Commission also told the Ministers of Foreign Affairs of the Americas that

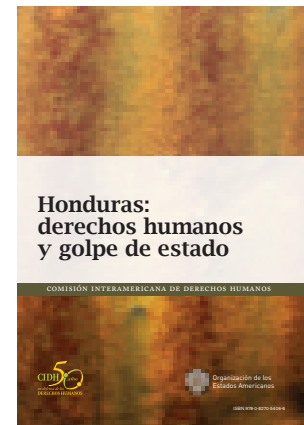
the judicial branch's lack of independence, the serious constraints on freedom of expression, the harassment and intimidation targeted at the opposition and the serious irregularities in the elections constituted clear violations of the fundamental pillars upon which the rule of law rests in a democratic society under the terms of the American Convention. As it had in the report itself, the Commission again called for restoration of the rule of law in Peru and for free and sovereign elections that met the necessary international standards.

During the past decade, the Commission has continued to perform this role, the most recent example being the role that the IACHR played in Honduras subsequent to the June 2009 *coup d'état*.

Honduras, 2009

In 2009, in response to the *coup d'état* in Honduras, the IACHR again played a central role, which began when on June 28, the day that the democratically elected president was toppled and constitutional and democratic order was interrupted. The Commission im-

mediately issued a press release condemning the *coup*. The Commission also granted numerous precautionary measures to protect the lives of persons at risk. It conducted a visit in 2009, which ended with a press conference in Tegucigalpa where it announced its observations. In January 2010, it published an exhaustive report on the situation. In May 2010, it conducted another visit after Porfirio Lobo was elected to the Presidency and took the oath of office. The Commission prepared an updated report on the human rights situation in Honduras, which it presented to the OAS General Assembly at the regular session held in Lima in June 2010.



b. The IACHR and the transitions to democracy

The IACHR played a paramount role in getting Member States to recognize that laws granting amnesty for serious violations of human rights are themselves violations of international law. From its first cases, the Commission has underscored access to justice as an essential component of the rule of law. The Commission's decisions in cases against Argentina, Uruguay, El Salvador, Chile, and Peru opened doors that led to the prosecution and trial of those responsible for the overthrow of legitimate governments and the murder and disappearance of thousands of persons.

The States' responses to the quest for justice following human rights violations varied. In many cases, laws were enacted whose effect was to limit the possibility of investigating and successfully prosecuting the offenders or making reparations to the victims or their next of kin for the harm done. When human rights organizations and victims or relatives of victims sought justice in their countries and did not find it, they turned to the IACHR. During this period, at both the domestic and international levels, a political and legal debate had started on the

question of amnesty laws. One sector maintained that amnesty laws were necessary to achieve national pacification and reconciliation; if they were not approved, the continuity of the democratic system would be seriously imperiled and no lasting peace could be achieved. Against this backdrop, in 1992 the IACHR approved three merits reports on cases involving El Salvador, Argentina and Uruguay in which it determined that their laws granting amnesty for serious human rights violations were violations of the American Convention on Human Rights

Argentina

The inter-American system's decisions on this issue were instrumental in inspiring the country to explore new avenues to provide justice. They ultimately paved the way to ending impunity in cases involving serious human rights violations. On June 14, 2005, in a decision on a case involving the disappearance of a married couple by the name of Poblete, the Supreme Court of Argentina decided that the due obedience and full stop laws were inapplicable, based in large part on the rulings of the inter-American system. The Argentine Supreme Court ruling began with a reference to a report ap-

Photo: IACHR press conference in Tegucigalpa, Honduras. August 21, 2009. Left to right: Commissioner Luz Patricia Mejía Guerrero, former Commissioner Víctor Abramovich, Executive Secretary Santiago Canton, and Special Rapporteur for Freedom of Expression Catalina Botero.



proved by the Commission in 1992; the Supreme Court of Argentina determined that upon issuance of that report, it had been established that the amnesty laws were in violation of the American Convention. Accordingly, the Argentine State should have adopted “the measures necessary to clarify the facts and identify those responsible.” The Supreme Court ruling also cited the judgment of the Inter-American Court in the *Case of Barrios Altos v. Peru*, which held that “all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations.” Based on this judgment of the Argentine Supreme Court, trials began in which the defendants were persons accused of serious human rights violations under the dictatorship.

Peru

In the cases of *La Cantuta* and *Barrios Altos v. Peru*, the Inter-American Court held, as the Inter-American Commission had requested in its applications, that the Peruvian amnesty laws were incompatible with the American Convention. *La Cantuta* is the name used to refer to a case in which a professor and nine university students in *La Cantuta*, Lima, were abducted, tortured and extra judicially executed by several members of the Peruvian Army. The Inter-American Court held that the massacre had been carried out with the President’s knowledge. *Barrios Altos* is the name used to refer to a case in which 15 persons were executed by a squadron called the Colina Group [Grupo Colina], composed of members of the Peruvian Army associated with military intelligence. The Government of Alberto Fujimori was in no way disposed to comply with the Commission’s recommendations or the rulings of the Court and, in 1999, the Peruvian Congress approved a resolution seeking to withdraw Peru’s recognition of the contentious jurisdiction of the Inter-American Court of Human Rights. However, with the collapse of the Fujimori regime, a constructive

dialogue was immediately undertaken with a view to achieving compliance with those recommendations. In 2005, the Inter-American Court concluded that the Peruvian State had complied with the obligation to declare the amnesty laws null and void.

In furtherance of the Court’s judgments, the Peruvian State continued to develop ways to administer justice: it indicted former president Alberto Fujimori, who had fled the country in 2002, and sought his extradition. In 2008, the Peruvian courts convicted the former head of the Peruvian Intelligence Service (SIN), Julio Salazar Monroe, and sentenced him to 35 years in prison; it sentenced four other former members of the Colina Group to 15 years in prison, for the crimes of forced disappearance and aggravated homicide in the *La Cantuta* case. In 2009, the Peruvian justice system sentenced Fujimori to 25 years in prison, having established that he bore criminal responsibility for the disappearance and execution of 27 persons in the *La Cantuta* and *Barrios Altos* cases.

El Salvador

Monsignor Oscar Arnulfo Romero was named Archbishop of Metropolitan San Salvador on February 3, 1977. In his homilies, the Archbishop denounced the acts of violence and human rights violations identified through the work done by the Archdiocesan Legal Aid Office. As a result, he became a well-known critic of violence and injustice and certain civilian and military circles came to perceive him as a dangerous enemy. Officials of the government and officers in the Armed Forces regarded his criticisms as aiding and abetting subversion. In his homily of February 17, 1980, Monsignor Romero denounced the fact that political power was in the hands of the Armed Forces. On March 23, 1980, in what would be his last homily, he stated the following: “In the name of God, in the name of this long-suffering people whose cries rise to the heavens louder and louder each day, I beg you, I command you to stop this repression.” The following day, while celebrating mass in the chapel at Divine Providence Hospi-

tal, Monsignor Romero was shot to death in front of numerous witnesses, by a member of a death squadron. The investigation to determine who was responsible for the assassination was ineffective and weak, with the result that no one was convicted. Monsignor Romero's assassination had a profound moral, spiritual and psychological impact on Salvadoran society and was the prelude to an internal armed conflict that drowned the country in twelve years of violence and left thousands dead.

In 1987, El Salvador's Legislative Assembly passed an amnesty law in favor of those responsible for Monsignor Romero's assassination and the other human rights violations committed during the armed conflict. In a number of individual cases, the IACHR declared the law incompatible with the American Convention and recommended that the State see justice done and make reparations to the victims and their next of kin. In its report on the merits in the case of Monsignor Romero, the IACHR recommended that a complete, impartial and effective judicial investigation be swiftly conducted to identify, bring to trial and punish all the material and intellectual authors of the assassination; that reparations be made for all the consequences of the violations established in the case, including payment of a just compensation; and that El Salvador's domestic laws be adapted to conform to the American Convention, which would mean repeal of the General Amnesty Law. The State responded that the amnesty law was necessary to preserve peace in the country. It held fast to this answer for years.

After numerous follow-up hearings at the Commission, the State finally acknowledged its international responsibility in the assassination of Monsignor Romero and in a number of cases involving children who had disappeared during the war in El Salvador, about whom the Commission had issued merits reports. At a hearing held on November 6, 2009, the Director General of Human Rights of El Salvador's Ministry of Foreign Affairs, said the following:

[w]hile the Commission issued the report on the merits of the case of Monsignor Romero more than seven years ago, the Salvadoran State has not yet made any official statement on the importance of this historic report, which reaches across the hemisphere. Therefore, and to be consistent with our new vision, the State of El Salvador (...) hereby pledges to comply, in good faith and insofar as it is able, with the recommendations made therein. It believes that the report is an important contribution to the acknowledgement of the truth in this case, and is ultimately part of the Salvadoran people's heritage; it has become an unavoidable reference point in our quest for a more just and democratic Salvadoran society, based on the ideal of unqualified respect for and guarantee of human rights. The State wishes to inform this Commission that a new phase of dialogue is about to get underway in El Salvador, with the backing of the State and aimed at making further headway toward fulfillment of these recommendations.

At the hearing, the State's representatives announced measures either recently adopted or about to be taken to move the investigation into the facts forward and make progress in the matter of reparations, all in furtherance of the Commission's recommendations in these cases. On January 16, 2010, the President led a ceremony to apologize to the victims of the internal armed conflict and ask their pardon. Present for the ceremony were representatives of the various branches of government and relatives of Monsignor Romero. Also, on March 24, 2010, another ceremony was held to ask for pardon; the occasion was the 30th anniversary of Monsignor Romero's assassination. An art contest was organized to design postage stamps in his memory.

In the search for the truth, the State's admission of responsibility in the assassination of Monsignor Romero and in the disappearance of children after operations conducted by State agents is very

important to the victims' next of kin and for society as a whole.

c. The IACHR, the consolidation of democracy and the rule of law

The IACHR has been and continues to be a key player in strengthening the democratic system. The Commission's contribution here is evident, for example, in the quota laws that have succeeded in increasing women's involvement in politics; in the progress made on the question of subordinating the military to civilian power, and in the concrete measures taken to ensure the right to freedom of expression, which includes repeal of the laws that made criticism of public officials a punishable offense (*leyes de desacato*) and the progress made on access to information in the State's possession.

Women's political participation

One of the basic means of consolidating democracy is the participation of women in elective office. A relevant Commission case in this regard was that of María Merciadri de Morini. Under the terms of a friendly settlement, Argentina amended its National Electoral Code to promote women's participation in politics and to get their names included on the political parties' slates of candidates for elective office. The reform, adopted on December 28, 2000, stipulates that the electoral quota applies to all elective offices for deputies, senators, and members of Constitutional Assembly; that the 30% of the candidacies that must go to women is the minimum and that the quota is only deemed to have been met when it is applied to the number of offices that each party organization is filling in a given election. The reform also spells out the sanctions that will be applied in the case of lists that do not comply with the law. This reform had an enormous impact on women's political participation and on the number of women whose names appeared on the lists of candidates for elective office in Argentina. However, it also had a very positive regional effect. Studies show that quota laws have been the most effective

method for increasing women's presence in elective office. This case was instrumental in improving the regulation of laws of this type to ensure that they are properly implemented. Other countries of the region have copied this model and in recent years have adopted or amended their quota laws to enable more women to participate in politics and the political life of their country.

Military Justice

Another critical issue in consolidating democracy is subordinating the military to civilian power. For the democratic rule of law, military criminal jurisdiction must be narrow and exceptional in nature and solely for the purpose of protecting special legal interests related to the inherent functions of the military. The inter-American human rights system has stressed this point, stating that military criminal courts are not the proper venue for investigating, prosecuting and punishing the authors of human rights violations; instead, prosecution of human rights violations is the exclusive purview of the civilian court system. The Commission and the Court have stated emphatically that when the military justice system assumes jurisdiction in a matter that the regular courts should hear, the right to an impartial judge and to due process is violated. In recent years, some countries have amended their laws to make them consistent with this principle. In other countries, discussion of this matter is underway.

Argentina repealed its Code of Military Justice in November 2007 and adopted a new system under which the crimes committed by military personnel will be prosecuted by the civilian court system. The new law eliminates military jurisdiction and abolishes the death penalty. Under the new disciplinary regime, discriminatory sanctions related to homosexuality are eliminated and sexual harassment within the ranks of the Armed Forces is punishable as either a serious or very serious offense. These changes, which enhance democracy in Argentina, were introduced to comply with a friendly settle-

ment agreement resolving the petition that Army Captain Rodolfo Correa Belisle filed with the Commission, who had been punished for having spoken out against his superiors.

In Mexico, the Supreme Court of Justice decided on July 12, 2011, to adopt the guiding criterion of restricting military jurisdiction in cases in which members of the armed forces commit human rights violations. This decision, which must be applied by all judges in the country, ruled that members of the military who violate fundamental guarantees will be tried in civilian courts. This determination was based on an analysis of the judgment issued in November 2009 by the Inter-American Court of Human Rights against the State of Mexico over the forced disappearance of Rosendo Radilla Pacheco, which was perpetrated by agents of the Mexican Army in 1974 in the state of Guerrero. The decision was also a consequence of the intense debate in Mexico stirred up by the processing of several cases in the inter-American system, including that of Valentina Rosendo Cantú and Inés Fernández Ortega, two Me'phaa indigenous women who, like other indigenous women, were raped by military troops as a form of torture.

Freedom of expression

Among the cases heard by the IACHR that have had a significant impact are those related to respect for and observance of the right to freedom of expression, a central pillar of the rule of law. Chile is an example of how the inter-American system has been instrumental in bringing about amendment of the Constitution and the laws and has helped cultivate public policies that have substantially improved the situation with regard to freedom of expression in the country. Acting on recommendations of the inter-American human rights system, Chile made substantial headway in eliminating prior censorship and adopting laws and practices that ensure greater access to information in the State's possession. Specifically, Chile amended the Constitution to eliminate prior

editorial censorship in compliance with the recommendations made by the Inter-American Commission and the February 5, 2001 judgment of the Inter-American Court in a case that began with the Chilean courts' censorship of the screening of the film "The Last Temptation of Christ." In another case, the Chilean Navy cited "security and national defense" as the reasons for banning the sale of a book titled "Ethics and Intelligence Services" by Humberto Antonio Palamara Iribarne, and for ordering the destruction of all existing copies. The case came to the Inter-American Commission, which submitted the case to the Inter-American Court of Human Rights in April 2004. In compliance with the Inter-American Court's judgment, the State published the book in 2006, vacated the conviction of Palamara Iribarne, and paid him compensatory damages. Finally, in August 2008, Chile enacted a freedom of information law, acting on the recommendations made by the inter-American human rights system in a case stemming from events that occurred in 1988. The State had refused to provide information to three persons who had requested information from the Foreign Investments Committee in connection with a deforestation project that was slated to be carried out in southern Chile. In response to the judgment, Chile enacted the "Law on Transparency of Public Service and Access to Government Information," which upholds every person's right to request and receive information from the government; it also prepared a manual on Transparency and Probity, for all persons serving in government; created the Agency for Probity and Transparency; held training seminars on access to information for executives, professionals and internal auditors of various ministries and government offices, and earmarked funds in the budget to continue to train government officials and personnel about access to information.

Substantial progress has been made in the region in the area of freedom of expression, with the IACHR as the catalyst. The repeal of the *desacato* laws that made criticism of public officials a punishable offense and the enactment of freedom of information

laws play a fundamental role in consolidating democracy by allowing criticism of authorities without fear of reprisals and transparency in the business of the governing. A dozen countries of the region have struck down their *desacato* laws. This process began when the journalist Horacio Verbitsky filed a petition with the IACHR in May 1992, which was settled through a friendly settlement that resulted in the repeal of the *desacato* laws in Argentina. The Commission's report concluded that the *desacato* laws were not compatible with the American Convention on Human Rights because they lend themselves to abuse as a means to silence ideas and opinions, thus suppressing the discourse necessary for democratic institutions to function effectively. The Commission observed that citizens have the right to criticize and to examine the actions and attitudes of public officials insofar as they relate to the public function, and that *desacato* laws discourage criticism because the public fears prosecution or fines. The Commission then urged all States to repeal the *desacato* laws. The Office of the Special

Rapporteur for Freedom of Expression worked hard to achieve that objective. As a result, the *desacato* laws were repealed not just in Argentina, but also in Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico (at the federal level), Panama, Paraguay, Peru and Uruguay. The IACHR also concluded that the threat of criminal prosecution under laws on defamation, slander and libel could also be used to silence ideas and opinions. The Commission warned of the possibility that public officials might abuse such laws to silence criticism, a threat that is as great with these laws as it is with the *desacato* laws. The case of journalist Mauricio Herrera Ulloa afforded Costa Rica the opportunity to vacate the criminal defamation case prosecuted against him. The Commission continues to advocate for the decriminalization of crimes against honor; a number of countries in the region have either already completed or have started the legislative process to decriminalize offenses against honor, thereby ensuring greater freedom of expression.

CONCLUSION OF CHAPTER III: THE CHALLENGES AHEAD

In recent years, with the strengthening of democratic government, important strides have been made. However, the *coup d'état* in Honduras in June 2009 made it clear that the consolidation of democratic governments in the hemisphere is still unfinished. In the mission of defending human rights, the challenges will forever outnumber the accomplishments, and the road ahead will always be longer than the road behind. In the years to come, for example, the Commission will have to increase its efforts to defend economic and social rights in a hemisphere with such high poverty rates and with the highest inequality index on the planet. While the Commission will have to continue to press forward in the areas in which it has been working for years and even decades, it will also have to adapt to be able to respond effectively to new challenges such as the impact of pollution and global warming on people's lives and health.

The challenges are enormous, but the progress achieved—only a small portion of which is captured in this document—point to the fact that the Inter-American Commission serves to enable societies and the States to move on reforms that make it possible to correct human rights violations, both individual and collective, and to solve structural problems in the defense of human rights, thereby

preventing further violations. In democratic systems, voices demanding to be heard are becoming louder and louder; growing numbers of citizens are demanding the respect and dignity they deserve and their rightful place in society. The Commission hears and heeds the voices of those whose voices are neither heard nor heeded in their countries. Often, the Commission's proceedings on a case, the precautionary measures it grants or the public hearings it holds, afford those who have been denied justice the first opportunity to obtain it. The procedures are a means to put an end to impunity for heinous crimes and serve as a catalyst for enactment of laws against domestic violence. They are also instrumental in reversing a conviction and sentence of imprisonment of a journalist who investigated corruption committed by a public official, in getting an indigenous people title to its ancestral lands, or in saving the lives of thousands of persons living with HIV, who finally receive the medical treatment and antiretroviral medications they need. These accomplishments are proof that the work of the Commission has a positive impact on the lives of those who turn to it for justice, on the situation of groups that have historically been the victims of discrimination, and on structural problems. All this serves to improve the legal architecture and stimulate the implementation of public policies that are help build a democratic rule of law in which all people can live with dignity.



IV. THE STRENGTHS OF THE IAHRs

The inter-American system for the protection of human rights (“IAHRs”) is the product of a half century of progress in the design, comparison, ⁽²¹⁾ and adoption of instruments that have gradually enhanced the protection accorded to the human person in the Americas, and the wheels and cogs of the machinery assembled to ensure that protection.

The Commission functions on the premise that the machinery of protection exists in order to provide the individual with enhanced protection. To keep this machinery running smoothly, procedures enable the organs of the system to engage in constant dialogue with each other and with the Member States of the Organization, through its General Assembly, Permanent Council, and the latter’s Committee on Juridical and Political Affairs. The system is also built upon a set of procedural guarantees that together make the IAHRs a *sui generis* system; under the inter-American human rights system, States have to deploy their best efforts when considering and implementing the Commission’s recommendations. These processes, procedures and guarantees have been developed and tested over a period spanning five decades and are the Commission’s main strengths.

The most fundamental of all these principles is the independence of the Commission. The Member States have endowed the Commission with independence to enable it to deliberate and arrive at its conclusions in concrete matters and cases without political interference from the Member States of the Organization, its other organs, or from any other quarter.

Consistent with this line of reasoning, the Charter recognizes the Commission’s independence and lists it among the principal organs of the Organization, while the American Convention and other applicable provisions also uphold the Commission’s independence, albeit from different perspectives.

Unlike organs of the Organization which are purely governmental in nature and are composed of members who represent Member States, ⁽²²⁾ the Commission is composed of independent experts who do not represent the States that nominate them to the Commission and whose terms last four years, irrespective of any changes in government in the States that nominated them. The relevant provisions of the Convention read as follows:

Article 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

[...]

Article 36

The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member States.

Article 37

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.

2. No two nationals of the same State may be members of the Commission.

In the performance of their functions, Commission members do not take instruction from any government, including their State of nationality or the State that nominated them, and they cannot be removed by such States. The spirit of independence of the Commission has been underscored since Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs (Santiago, Chile, 1959), Part II, where it provides that the members of the Commission will be elected "as individuals". (23)

To ensure the Commission's independence and appearance of independence, the Convention provides that "[n]o two nationals of the same State may be members of the Commission." (24)

Article 71, also related to the preservation of the Commission's independence and impartiality, reads as follows:

[t]he position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes [s].

The Commission, for its part, is in charge of drafting its own Statute, (25) which it submits to the General Assembly –the Organization's highest organ– for approval. The Convention also provides that the Commission shall establish its own Regulations. (26) In exercise of the regulatory authority that the Member States have vested in the Commission, the latter has taken particular pains to preserve its independence and impartiality through a detailed regimen of incompatibilities. Article 17(2) of its Rules of Procedure provides that a member of the Commission may not participate in the discussion, investigation, deliberation or decision of any matter submitted to the Commission if he or she is a national of the State which is the subject of the Commission's general or specific review or if the member has previously participated in any capacity in a decision concerning the same facts on which the matter is based or acted as an adviser to, or representative of, any of the parties interested in the decision. Article 4 of the Rules of Procedure states that upon taking office, members undertake not to represent either victims or States in precautionary measures, petitions and individual cases before the IACHR for a period of two years from the date of the end of their term as members of the Commission.

In practice, the Commission has scrupulously observed these provisions, taking care to monitor and protect its own independence in fact and in appearance. The Inter-American Court, for its

part, has underscored how essential it is that the Commission's decision-making process be an independent one and has written that the process "must be the result of a collective and autonomous exercise carried out by the Commission as the oversight body of the American Convention."⁽²⁷⁾

The various Summits of the Americas have underscored the importance of strengthening the Commission. ⁽²⁸⁾ In recent years, the General Assembly of the Organization has approved a number of resolutions in which it emphasizes the importance of strengthening and perfecting the Inter-American Human Rights System. ⁽²⁹⁾ Resolution 2605, approved by the OAS General Assembly in Lima, Peru, in 2010, one in a long series of resolutions pointing out that

strengthening the *autonomy* of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights (IACHR) in the context of the Charter of the Organization of American States, the American Convention on Human Rights, and the Statute and Rules of Procedure of said Commission, will lead to improvements in the inter-American human rights system. ⁽³⁰⁾

The Convention holds the members of the Commission to a high moral standard, ⁽³¹⁾ a strict set of incompatibilities ⁽³²⁾ and confidentiality requirements; ⁽³³⁾ but it also protects the Commission from any intrusion or interference in its activities.

The idea that the Commission must enjoy absolute independence when deciding the matters before it, has been the unmistakable intention ever since the *travaux préparatoires* of the American Convention. At the Inter-American Specialized Conference on Human Rights, during the proceedings of Committee II, concern was expressed over the possibility that the General Assembly of the Organization might introduce in the Commission's Statute "provisions that substantially modify the [Commission's] functions and authorities." ⁽³⁴⁾ Committee II therefore entered into the record a statement that "on the subject of the structure and functions of the Commission on Human Rights, the statute [...] shall contain only those provisions that build upon [the provisions prepared by the Commission]." ⁽³⁵⁾ With this statement for the record, and the unanimous approval of the article in question, ⁽³⁶⁾ it is evident that the States were single minded in their determination to ensure that the Inter-American Commission was protected from any type of political interference, even from the very organs of the Organization. As the delegate of Costa Rica observed during the Conference,

[It is] absolutely essential that the Commission's complete impartiality be guaranteed [...] because the Commission must be above any consideration of a political nature, it must be surrounded with all the necessary guarantees. ⁽³⁷⁾

V. THE CHALLENGES OF THE IAHRs

In its fifty-year history, the IAHRs has been a positive force for change and has gradually strengthened the observance of human rights in the Americas. However, and the results achieved notwithstanding, the IAHRs continues to wrestle with challenges that need to be resolved in the near term. The challenges are immediate and serious, but the results achieved in recent years demonstrate that the region has the vision, the capacity and the strength to tackle them.

UNIVERSAL ACCEPTANCE OF THE SYSTEM

The first challenge is universal acceptance of the system. The basic treaties of the IAHRs are not yet universally accepted. In order to achieve full observance of human rights in the Americas, all Member States must ratify all the inter-American instruments. What the region now has is a system with three levels of acceptance: one level, of universal acceptance and the minimum for all the Member States ensures that people enjoy the protection of the rights recognized in the American Declaration and the OAS Charter, under the Inter-American Commission's supervision; a second level is for Member States that have ratified the American Convention, but have not accepted the jurisdiction of the Court; the third level is for those Member States that have ratified the Convention and have accepted the Court's jurisdiction. This arrangement leaves millions of people at a disadvantage in terms of the degree of international protection of their rights.

VICTIMS' ACCESS

De jure and *de facto* access to judicial guarantees and protections is a condition *sine qua non* for reducing human rights violations. The work of the Commission reveals that the peoples of the hemisphere, particularly the members of sectors that have historically been the targets of discrimination, (38) frequently do not have access to proper and effective judicial remedies to denounce violations of their human rights. This is particularly true in the case of women, who represent half the population of the hemisphere.

Given the circumstances, the inter-American system must be a subsidiary source of redress and protection for victims. The cases before the regional system point up the considerable challenges and inadequacies at the national level and make their solution a priority. The concept of access to justice recognizes, however, that the existence of institutions does not suffice to ensure vindication of violated rights. There must be material access as well (the proximity of institutions, for example) or, failing that, efficient and swift mechanisms to ensure that channels of communication are in place to enable information to flow between the person in question and the operators of justice. There must also be guarantees that the proceedings will be accessible (i.e., that they will be simple or, when they have to be complex because of the nature

of the subject matter, that the State will provide the services of an attorney to those who require such services). Then, too, when the justice system issues its decision on a matter, that decision has to be enforced. All these are integral parts of access to justice, broadly defined.

Because of the existing obstacles, the victims' access to an effective subsidiary recourse is not what it should be. The IAHRs must be strengthened so that all victims of human rights violations who cannot find justice in the domestic system are able to turn to the Commission as a subsidiary resource to have their rights properly redressed.

THE SYSTEM'S EFFICACY

A third challenge concerns the efficacy of the system as a supranational mechanism for the protection of human rights. A condition *sine qua non* for such a system is that the Member States of the OAS fully and effectively abide by the decisions of the Court and the Commission. To enable this process, Member States must act as true guarantors of the system and adopt the legislative measures necessary to establish a juridical mechanism that ensures enforcement at the domestic level of the decisions of the Court and the Commission. While important progress has been made with implementation of the Commission's recommendations and compliance with the Court's judgments, the level of compliance needed to ensure the effectiveness of the System's decisions has not yet been achieved.

The States have introduced legislative reforms to comply with decisions of the Commission. Both in terms of content and name, these reforms conform to the standards set by the Commission

through its individual case system. Furthermore, in the last five years the OAS General Assembly has adopted a number of resolutions in which it underscored the importance of compliance with the Commission's recommendations. Even so, the Commission believes that many measures have yet to be taken, even by the political bodies of the OAS, to endow the system with the guarantee of effectiveness that the human rights situation in the hemisphere demands.

THE SYSTEM'S EFFICIENCY: AVAILABLE RESOURCES

The efficiency of the human rights system is a direct function of the availability of adequate resources to operate in such a way that it is able to meet its users' demands. The capacity of the Inter-American Commission on Human Rights to perform its broad and diverse mandate requires a like commitment in terms of the human and financial resources assigned and an organization and structure that are up to the challenges posed.

For two decades now, the Commission has been laboring under the growing demands made upon it, which are the result of a combination of factors and which the Commission has had to address with its meager available resources. In effect, the number of complaints filed with the Commission increases by the day; civil society and the States are asking for more hearings; the work of the thematic Rapporteurs is expanding, and the General Assembly continues to assign the Commission new mandates.

In 2010, the Commission received 1,598 complaints and 380 requests seeking precautionary measures; by year's end, it had some 1,600 peti-

tions and cases in process (over 1100 in the admissibility phase and 500 in the merits phase). At the same time, approximately 500 requests were received asking for hearings and working meetings; the Commission was able to agree to only 88 hearings and 47 working meetings.

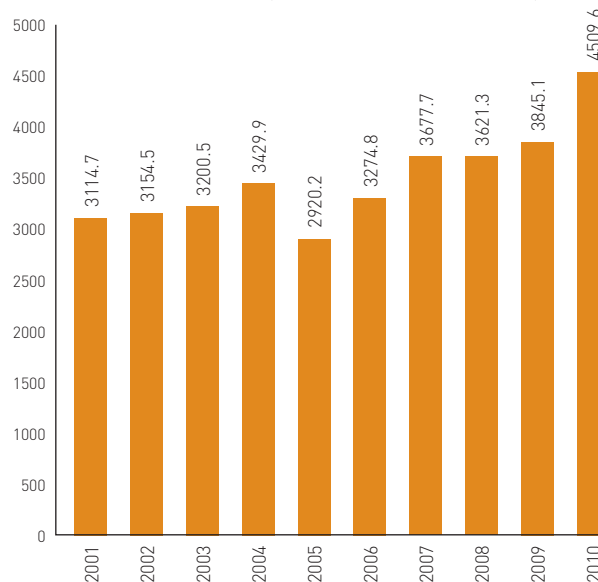
To the activities involved in processing individual cases and urgent measures of protection must be added the mandates entrusted by the General Assembly in specific resolutions. In 2009 alone, the General Assembly called upon the Commission to devote special attention to migrant workers and their families, (39) human rights defenders, (40) persons deprived of liberty, (41) the elderly (42) and the issues of human rights, sexual orientation and gender identity. (43) It has also been charged with matters of particular concern, such as racism, discrimination and intolerance, (44) freedom of expression and access to information, (45) and protection of human rights in the fight against terrorism. (46) The Assembly also instructed the Commission to prepare special reports and studies on these and other new issues, such as the development of the right to know the truth in the hemisphere (47) and the enforcement of the Protocol of San Salvador on economic, social and cultural rights, where it asked the Commission to propose benchmarks. (48) These efforts are occurring against the backdrop of political and juridical situations that, by their nature, call for an immediate and priority response on the Commission's part. In 2009, for example, the Commission invested a considerable percentage of its resources and personnel to follow closely the situation in Honduras in the wake of the *coup d'état*; a detailed description of these activities and the respective process, which reveals how important these activities are, is available in the reports the Commission issued on this situation. The General Assembly has also asked the Commission to assist in the process of drafting declarations and conventions, as in the case of the American Declaration on the Rights of Indigenous Peoples and the Inter-American Convention against Racism; that it play

an active role in programs and projects to eliminate obstacles impairing effective participation in democratic processes, and that it assist in the programs for demobilizing outlaw groups.

In the 1990s the challenges posed by the Inter-American Commission's increased workload were matched, at least in part, by an increase in its budget. In 1990 the Commission's budget was US \$1,305,500, a figure that by the year 2000 had risen to US\$ 2,987,500. While the increases in the first half of the 1990s were small, (49) there was an appreciable increase in 1996 (50) that more than doubled the 1990 budgetary appropriation. With this significant increase in its budget, the Commission was able to respond to some of the challenges that the 1990s brought. Since 1996, however, the increases to the Commission's budget have on the whole been modest; in some years its budget has even been cut.

In the first three years of this decade, the Commission's budget sustained gradual increases up to 2004. In 2005, its budget was cut by 11% in relation to the previous year. (51) Thereafter,

Evolution of the regular fund approved for the IACHR between 2001 and 2010 (in millions of US dollars)



in 2007 and 2010, with the backing of the OAS General Secretariat, there were some increases to the Commission's budget. However, they had no significant impact in terms of the resources available for the Commission's operations, because from the outset the States determined that the increases should be used for other purposes.

Given these developments, in recent years the Commission has repeatedly made the case that the funds earmarked in the budget of the OAS' Regular Fund for the Commission's operation are insufficient for it to adequately discharge its mandate. The shortfall affects not just its capacity to manage its own logistics, but also seriously affects its ability to perform its functions under inter-American conventions and the mandates entrusted to it by the OAS General Assembly. The Commission's lack of resources, a problem dating back 20 years, has become even more serious given the increasing demands placed on the Commission.

As a consequence of the financial difficulties that the Organization of American States has been experiencing for a number of years and that will not change appreciably in either the short or medium term, the increased budget that the Commission needs to be able to perform its mandate efficiently will not be feasible. Therefore, because it needs funds urgently in order to fully perform each and every one of its mandates to protect and defend human rights, mandates conferred upon it by the regional instruments and in resolutions of the General Assembly, the IACHR is relying more heavily on a strategy that combines a search for external funding, which has been underway since 2001, with a gradual, long-term increase in the resources that the Organization earmarks to enable the Commission to function, all for the purpose of sustaining these initiatives.

The goal of this strategy is to strengthen the Commission as an institution and enable those interested in the inter-American human rights system to partner with the Commission's efforts.

VI. STRATEGY

As its Statute dictates, the Commission entrusts the functions necessary to accomplish its mandate to its Secretariat. (52) The Commission's strategic plan is being prepared with the understanding that, for purposes of accountability, its mission as a whole can be divided into two types of tasks:

- The work of the Commission itself, through which it issues its decisions and thereby generates its impact, and
- The work performed by the Executive Secretariat, that produces materials and processes for the Commission to consider and that are subject to evaluation both for performance and results.

For evaluation purposes, this distinction is a basic one. Another basic concept is the fact that the work of the Commission and the work of the Secretariat are processes that have reciprocal impacts: an increase in the Commission's work increases the work that it must entrust to the Secretariat. Conversely, the more efficient and more productive the Secretariat is, the more dedication will be required of the Commission members.

The work performed by the Commission is through three main pillars of activity:



These are the three pillars through which the Commission conducts its activities to promote and protect human rights and are coupled with functions involving information, direction and administration.

1. GOAL AND STRATEGIC OBJECTIVES

The Commission's goal for 2011-2015 is to discharge its mandate to the fullest. To that end, it has set the following as its strategic objectives:

- a. promoting full compliance with its decisions and recommendations;
- b. facilitating victims' access to the Commission and running with optimum efficiency the individual petition system's processes and procedures ;
- c. staying current on the human rights situation in the Member States of the Organization and taking the action that the situation dictates;
- d. responding in all its activities to the specific needs of groups that have historically been victims of discrimination;
- e. promoting the observance of human rights, knowledge and understanding of the system, and universal acceptance of the regional human rights instruments;
- f. publicizing the Commission's work and, in so doing, instilling a knowledge of human rights and the Inter-American system, and
- g. procuring sufficient resources to discharge its mandate and achieve its other strategic objectives.

2. PROGRAMS

Based on that goal and those objectives, the Commission's Strategic Plan is divided into eight programs:

1. Direction in law and policy
2. Individual petition system
3. Monitoring of country situations
4. Thematic areas
5. Special thematic area: Freedom of expression
6. Other activities to promote human rights
7. Public information
8. 8. Institutional Development

Washington, DC

Bibliography

1. The member States of the OAS are as follows: Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela.
2. In the case of States that have ratified the American Convention, the procedure for individual petitions and cases is prescribed in articles 44 to 51 of the American Convention, Article 19 of the Commission's Statute and articles 26 to 49 of its Rules of Procedure. In the case of States that are not parties to the American Convention, the Commission's examination of their possible international responsibility is based on the American Declaration and its authority under the OAS Charter. In the case of these States, the procedure within the Commission is governed by articles 28 to 44, 47 to 49, 51 and 52 of its Rules of Procedure and Article 20 of its Statute.
3. For the complete text of this resolution, which is Resolution VIII, titled "Human Rights," adopted on the occasion of the Fifth Meeting of Consultation of Ministers of Foreign Affairs, Santiago, Chile, August 12 through 18, 1959, see Final Act, Doc. OEA/Ser.C/II.5, pp. 10-11; available at: <http://www.oas.org/consejo/MEETINGS%20OF%20CONSULTATION/minutes.asp>.
4. IACHR; "Report on the Work Accomplished during Its First Session, October 3 to 28, 1960," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.I; Doc. 32; March 14, 1961.
5. IACHR; "Report on the Work Accomplished during Its First Session, October 3 to 28, 1960," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.I; Doc. 32; March 14, 1961.
6. I/A Court H.R., Certain Attributes of the Inter-American Commission on Human Rights (Arts. 41, 42, 44, 46, 47, 50 and 51 of the American Convention on Human Rights). Advisory Opinion OC-13/93 of July 16, 1993. Series A No. 13, para. 23.
7. IACHR, "Report on the Work Accomplished during Its First Session, October 3 to 28, 1960," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.I; Doc. 32; March 14, 1961.
8. IACHR, "Report on the Work Accomplished during Its First Session, October 3 to 28, 1960," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.I; Doc. 32; March 14, 1961.
9. IACHR, "*Discurso pronunciado por don Rómulo Gallegos, Presidente de la Comisión Interamericana de Derechos Humanos, en la Sesión Protocolar celebrada por el Consejo de la OEA el 13 de octubre de 1960 en honor de los miembros de la Comisión*" [Speech delivered by Rómulo Gallegos, President of the Inter-American Commission on Human Rights at the Protocolary Meeting that the OAS Council held on October 13, 1960 in honor of the members of the Commission]; OEA/Ser. L/V/II.1; Doc. 13 (available only in Spanish), October 17, 1960, p. 2.
10. The first *in loco* visit was to the Dominican Republic. IACHR, "Report on the Work Accomplished during Its Third Session, October 2 to November 4, 1961," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.3; Doc. 32; November 4, 1961. Since then, the Commission has conducted 87 visits to 23 Member States. Based in part of those *in loco* investigations, the Commission has thus far published 60 special country and thematic reports.
11. Second Special Inter-American Conference, Resolution XXII, OEA/Ser.F/III.8.
12. IACHR, "Report on the Work Accomplished During Its Thirteenth Session, April 18 to 28, 1966," Pan American Union, General Secretariat of the Organization of American States,

- Washington, D.C. OEA/Ser. L/V/II.14; Doc. 35; June 30, 1966.
13. Charter of the Organization of American States, Art. 53.
 14. I/A Court H.R., Certain Attributes of the Inter-American Commission on Human Rights (Arts. 41, 42, 44, 46, 47, 50 and 51 of the American Convention on Human Rights). Advisory Opinion OC-13/93 of July 16, 1993. Series A No. 13, para. 23.
 15. American Convention on Human Rights; art. 33.
 16. Inter-American Court of Human Rights, *Case of Baena Ricardo et al. v. Panama*, Judgment of February 2, 2001, paragraph 192.
 17. Search on PCMS on October 13, 2010, result of "Follow-up of recommendations" + "Pending" (172) and "Follow-up of friendly settlement" + "Pending" (114).
 18. IACHR, 2007 Annual Report, D. Activities of the Rapporteurships, 1. Rapporteurship on the Rights of Indigenous Peoples, para. 55.
 19. In the document "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas," "deprivation of liberty" is defined as follows: "Any form of detention, imprisonment, institutionalization, or custody of a person in a public or private institution which that person is not permitted to leave at will, by order of or under de facto control of a judicial, administrative or any other authority, for reasons of humanitarian assistance, treatment, guardianship, protection, or because of crimes or legal offenses. This category of persons includes not only those deprived of their liberty because of crimes or infringements or non compliance with the law, whether they are accused or convicted, but also those persons who are under the custody and supervision of certain institutions, such as: psychiatric hospitals and other establishments for persons with physical, mental, or sensory disabilities; institutions for children and the elderly; centers for migrants, refugees, asylum or refugee status seekers, stateless and undocumented persons; and any other similar institution the purpose of which is to deprive persons of their liberty."
 20. "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas" (OEA/Ser/L/V/II.131 doc. 26), which the Commission approved at its 131st session.
 21. The reference to the European system of protection of human rights has been a constant technique used in perfecting the inter-American system since the former's creation in 1950. See in this regard: IACHR, "Report on the Work Accomplished during Its Thirteenth Session, April 18 to 28, 1966," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.14; Doc. 35; June 30, 1966.
 22. The Inter-American Children's Institute and the Inter-American Commission of Women, for example.
 23. Resolution VIII, Part II. In IACHR, "Report on the Work Accomplished during its First Session, October 3 to 28, 1960," Pan American Union, General Secretariat of the Organization of American States, Washington, D.C. OEA/Ser. L/V/II.I; Doc. 32, March 14, 1961, p. 1.
 24. American Convention on Human Rights; Art. 37(2).
 25. American Convention on Human Rights; Art. 39.
 26. American Convention on Human Rights; Art. 39. Today referred to in English as "Rules of Procedure".
 27. I/A Court H.R., *Case of the 19 Tradesmen. Preliminary Objection*. Judgment of June 12, 2002. Series C No. 93, paragraphs 31 to 33.
 28. See in this regard the Declarations and Plans of Action from the First Summit of the Americas (Miami, 1994); the Second Summit (Santiago, Chile, 1998), the Third Summit (Quebec, 2001) and the Fourth Summit (Monterrey, 2004).
 29. See in this regard the following, for example: AG/RES. 2030 (XXXIV-0/04), approved June 8, 2004; AG/RES. 1925 (XXXIII-0/03), approved June 10, 2003; AG/RES. 1890 (XXXII-0/02), approved June 4, 2002; AG/RES. 1828 (XXXI-0/01), approved June 5, 2001; and AG/RES. 1701 (XXX-0/00), approved June 5, 2000.

30. AG/RES. 2605 (XL-O/10), STRENGTHENING OF HUMAN RIGHTS SYSTEMS PURSUANT TO THE MANDATES ARISING FROM THE SUMMITS OF THE AMERICAS (approved at the fourth plenary session, held on June 8, 2010).
31. American Convention on Human Rights; Article 34.
32. American Convention on Human Rights; Art. 71. The Commission's Rules of Procedure elaborates upon this principle, where it provides that Commission members may not participate in matters if they are nationals of the State concerned, were accredited or carried out a special mission as diplomatic agents before that State, or if they previously participated in any capacity in a decision concerning the same facts on which the matter at hand is based or acted as an adviser to or representative of any of the interested parties (Rules of Procedure, Art. 17); a member who is a national of or resides in the territory of a State that is the subject of an in loco observation shall be disqualified from participating in it (Rules of Procedure, Art. 54).
33. On pain of removal, members of the Commission must maintain absolute secrecy about all matters which the Commission deems confidential. Statute of the Inter-American Commission on Human Rights; Art. 9.
34. Inter-American Specialized Conference on Human Rights, San José, Costa Rica, November 7 – 22, 1969; *Actas y Documentos*. OEA/Ser.K/XVI/1.2. General Secretariat of the Organization of American States, Washington D.C. (Reprint 1978) (hereinafter, "*Travaux repertoires*"), p. 336 (Minutes are entered into the record in the language of the speaker; translation ours).
35. Travaux préparatoires, *supra*, p. 337.
36. Travaux préparatoires, *supra*, p. 337.
37. Travaux préparatoires, *supra*, p. 343.
38. See, in general, IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser.L/V/II. Doc. 68, January 20, 2007.
39. See Resolution AG/RES. 2502 (XXXIX-O/09).
40. See Resolution AG/RES. 2517 (XXXIX-O/09).
41. See Resolution AG/RES. 2510 (XXXIX-O/09).
42. See Resolution AG/RES. 2455 (XXXIX-O/09).
43. See Resolution AG/RES. 2504 (XXXIX-O/09).
44. See Resolution AG/RES. 2501 (XXXIX-O/09).
45. See Resolutions AG/RES. 2514 (XXXIX-O/09) and AG/RES. 2523 (XXXIX-O/09).
46. See Resolution AG/RES. 2512 (XXXIX-O/09).
47. See Resolution AG/RES. 2509 (XXXIX-O/09).
48. See Resolution AG/RES. 2506 (XXXIX-O/09).
49. The budget approved for 1992 was US\$1,487,600; in 1993 it was US\$1,617,100; in 1994, US\$1,734,100; and in 1995, US\$1,734,800.
50. In 1996 the General Assembly approved a budgetary appropriation of US\$2,830,600, which was an increase of 63.17% over the previous year.
51. The budget approved for 2005 was US\$ 3,077,500.
52. Statute, Article 21(1).





Inter-American Commission on Human Rights
Strategic Plan 2011-2015

Part II

Programs and Action Plans



**Organization
of American States**

**The Inter-American
Commission
on Human Rights
in 2016**

**Persons within the jurisdiction
of the OAS Member States
have easy and direct access to the
Inter-American Commission on Human Rights;**

**the Commission responds promptly
to people's needs;**

**its decisions and recommendations, when carried out by the States,
are an effective tool by which the States strengthen their mechanisms
to protect and promote human rights;**

**the inter-American conventions in the area of human rights
are ratified by all States in the hemisphere and
the commitments they undertake therein are fully incorporated into their
domestic laws;**

**the specific needs of groups that have historically been the victims
of discrimination are taken into account and reflected
in the design and implementation of all IACHR activities.**

Part II:

Programs and Action Plans

Table of Contents

| | |
|--|-----------|
| 1. Policy and Legal Direction..... | 69 |
| Plan of Action 1.1.- Strategy and Planning..... | 69 |
| Plan of Action 1.2.- Advisory Services to the OAS' Political Bodies..... | 69 |
| Plan of Action 1.3.- Inter-Institutional Relations..... | 70 |
| Plan of action 1.4.- Identification of standards and development of manuals, studies and protocols | 72 |
| 2. Individual Petition System..... | 74 |
| Plan of Action 2.1.- Initial Review | 74 |
| Plan of action 2.2.- Admissibility | 76 |
| Plan of action 2.3.- Merits..... | 78 |
| Plan of Action 2.4.- Friendly Settlement | 80 |
| Plan of action 2.5.- Follow-up of Recommendations | 81 |
| Plan of Action 2.6.- Proceedings before the Court | 82 |
| Plan of action 2.7.- Precautionary measures | 83 |
| Plan of Action 2.8.- Other Measures of Protection..... | 85 |
| 3. Monitoring of Country Situations..... | 86 |
| Plan of Action 3.1.- Holding of Country and Regional Hearings..... | 86 |
| Plan of Action 3.2.- Working Visits of Country Rapporteurs | 87 |
| Plan of Action 3.3.- <i>In loco</i> Visits | 87 |
| Plan of action 3.4.- Country Reports | 88 |
| 4. Thematic Areas | 89 |
| Plan of Action 4.1.- Hearings..... | 89 |
| Plan of Action 4.2.- Reports | 89 |
| Plan of Action 4.3.- Studies | 90 |
| Plan of Action 4.4.- Case Work..... | 90 |
| Plan of Action 4.5.- Working Visits..... | 90 |
| Plan of Action 4.6.- Other Thematic Areas..... | 90 |

| | |
|--|------------|
| 5. Special Thematic Area: Freedom of Expression | 93 |
| Plan of Action 5.1.- Access to Justice and Standards | 93 |
| Plan of Action 5.2.- Reconciling Domestic Standards and Practices with the Standards of the IAHRs..... | 93 |
| Plan of Action 5.3.- Better Knowledge and Understanding of the Inter-American System | 94 |
| Plan of Action 5.4.- Monitoring and Thematic Reports | 94 |
| 6. Other Activities to Promote Human Rights | 95 |
| Plan of Action 6.1.- Universal Acceptance of the IAHRs | 95 |
| Plan of Action 6.2.- External Training | 95 |
| Plan of Action 6.3.- Fellowships and Internships | 95 |
| 7. Public Information..... | 98 |
| Plan of Action 7.1.- Relationship with the Media and Journalists..... | 98 |
| Plan of Action 7.2.- Development and Implementation of Campaigns..... | 99 |
| Plan of Action 7.3.- The IACHR in the Electronic Media | 100 |
| 8. Institutional Development..... | 102 |
| Plan of Action 8.1.- Administration | 102 |
| Plan of Action 8.2.- Finance..... | 102 |
| Plan of Action 8.3.- Information Systems..... | 103 |
| Plan of Action 8.4.- Documents..... | 106 |

1. Policy and Legal Direction

Plan of Action 1.1.- Strategy and Planning

Strengthened, monitored and performance-based management of the IACHR's activities require, *inter alia*, implementation of this carefully considered Strategic Plan, which will be reviewed and updated every year.

During the last five-year period, thanks to its institutional review, the IACHR adopted new methods of planning and evaluation. Issuance of this Strategic Plan is a major point in that process. During the period from 2011 to 2015, the Commission plans to conduct five annual planning and follow-up cycles, ensure that its strategic plan is fully synchronized with the OAS' budgetary process, and report on results through the Commission's Annual Report to the OAS General Assembly.

The annual activities will include, in principle, the following:

- ◆ preparation of the Annual Report based on the Plan;
- ◆ presentation of the Annual Report to the Permanent Council's Committee on Juridical and Political Affairs;
- ◆ dialogue with the Member States;
- ◆ dialogue with civil society;
- ◆ internal talks within the section team;
- ◆ internal talks within the management group;
- ◆ tie-in with the OAS General Secretariat's annual plan of operations;
- ◆ presentation of the Annual Report to the General Assembly;
- ◆ updating the Strategic Plan for the next five-year period;
- ◆ review of the updated plan by the Commission's full membership;
- ◆ updating of the plans of action based on the Commission's observations;
- ◆ preparation of the budget and alignment with the process of preparing the OAS budget;
- ◆ all the steps are repeated in the next exercise.

Plan of Action 1.2.- Advisory Services to the OAS' Political Bodies

One of the Commission's mandates is to provide consultative services to the Member States on the subject of human rights. That consultative or advisory function is most often in evidence in the recommendations that the Commission makes in its decisions on cases and matters submitted under the individual petition system, and in the thematic and country reports. These advisory services are included in the Strategic Plan under programs 3, 4 and 5.

The Commission performs other consultative functions as well, through the advisory assistance it provides the political organs of the OAS, especially the General Assembly and the Permanent Council's Committee on Juridical and Political Affairs. In providing these services, the Commission helps to establish minimum standards and to shape declarations, treaties and conventions.

As part of this plan, the Commission will follow and provide advisory services to the work of the Committee on Juridical and Political Affairs. This will involve presentations on human rights issues, consideration of and suggestions for draft resolutions prepared by the Member States and submitted to the Committee for consideration, participation in special thematic meetings and presence at the meetings of Working Groups that the Committee establishes (such as the Working Group on Racism and the Working Group on Indigenous Peoples).

The consultative services also mean that the Commission will be present for and participate in sessions of the OAS General Assembly, which are an opportunity for pursuing an active bilateral agenda of meetings with foreign ministers and heads of mission. These functions are performed by the Commission's President, with the support of the Executive Secretary and staff of the Secretariat.

Plan of Action 1.3.- Inter-Institutional Relations

a. Relations within the Inter-American System

The IACHR, to strengthen its systems to promote and protect human rights in the region and implement its plans and projects to achieve that end, must be in constant contact with the OAS Member States (particularly their Missions to the OAS and national institutions, including the judiciary, charged with following up on the Commission's decisions and recommendations), and with civil society (organizations serving as petitioners in cases as well as those whose mission is to broadly advocate for issues and agendas related to human rights).

One of the essential needs of the IACHR is communication and coordination with other organs and entities of the Inter-American system in the area of human rights, principally the Inter-American Court of Human Rights, the Inter-American Commission of Women (CIM) and the Inter-American Children's

Institute (IIN). Inter-institutional cooperation and coordination agreement is currently in place among the Inter-American Court of Human Rights, the Inter-American Institute of Human Rights (IIDH) and the IACHR.

b. Other International Organizations

The number of activities that the IACHR conducts jointly with the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the United Nations Children's Fund (UNICEF) has increased in the last decade and the results are evident, for example, in the preparation and publication of the report on citizen security and human rights (2009) and the activities conducted jointly to publicize the report's standards and recommendations in various Member States.

The Commission's sessions usually feature meetings with the United Nations Special Rapporteurs and with the United Nations Subcommittee on Prevention of Torture; in some cases, the collaboration is in evidence in the form of joint issuance of press releases (freedom of expression and human rights defenders) and training.

At the request of the United Nations Office of the High Commissioner for Human Rights, since early 2009 the Commission has been supplying public information about the Member States, which is used in the United Nations' Universal Periodic Review.

c. Other Regional Systems

The IACHR remains in regular contact with the other regional human rights systems; it exchanges information with the European Court of Human Rights, collaborates with the African Commission, and initiated contact with the new ASEAN Inter-governmental Human Rights Commission, Previous contacts established that the organs of all regional systems are interested in discussing and remaining informed about each other's procedures and developments in case law.

The IACHR's Strategic Plan for the period from 2011 through 2015 is to continue its exchanges with the regional systems. The information shared may be general or may concern specific Commission activities and thematic areas.

Plan of action 1.4.- Identification of standards and development of manuals, studies and protocols

a. Informative Brochures and Basic Documents

The IACHR must develop reference documents to better publicize the inter-American human rights system and promote best practices. At the present time, the Commission produces a number of general publications that are essential to understand the inter-American system and how it operates: the “Basic Documents Pertaining to Human Rights in the Inter-American System” and the informative brochure on the individual petition system. Between 2011 and 2015 the Commission plans to keep these documents current and ensure that they are available in the four official languages of the OAS. Provision will have to be made to update the “Basic Documents” and the informative brochure every two years.

b. Digests

For 2011-2015 the Commission plans to create a comprehensive digest of principles and standards derived from petitions and cases and to ensure that it is available on the internet in a platform that users can readily consult. The Commission also plans to develop a digest of the standards established where precautionary measures are concerned, classified according to the right being protected; it also plans to develop a study on best practices. The proposed digest will be a means to publicize the IACHR’s decisions on precautionary measures, their evolution and practices.

The IACHR considers that a useful way to achieve effective compliance with precautionary measures is to prepare a comparative study of the mechanisms the Member States have devised to implement the requested protection and the challenges encountered in that process. To that end, information has to be compiled from Member State sources, beneficiaries and their representatives, concerning the systems in place to monitor and implement precautionary measures, and the problems they have identified. One of the most constructive activities here would be a questionnaire sent to compile information about the laws and regulations, implementation programs, the follow up done by the Member States, information on the effectiveness of the procedures to eliminate the risks that beneficiaries are facing, and the degree of satisfaction among the individuals or groups being protected. The difficulties encountered in designing and implementing the precautionary measures ordered by the Commission could also be identified.

Finally, in order to better support the Commission’s work in the area of friendly settlements, in 2011-2015 it will prepare a digest of precedents and best practices in the area of friendly settlements.

c. The Commission’s Archives

In 2011-2015, the Commission plans to have a system for accessing its archives and historical documents, enabling users to have relevant information available with which to build cases, perform academic or historical research and document past violations. Access to documents of this type is an essential part of the right of access to information.

d. Other Research Initiatives

The Commission still plans to develop a research platform for emerging initiatives deemed necessary to discharge its mandate and to organize its case law, best practices and legal standards. An initiative of this type was the development of “Guidelines for Preparation of Progress Indicators in the Area of Economic, Social and Cultural Rights,” which the political bodies of the Organization are now using as a reference.

2.

Individual Petition System

The individual petition system encompasses all the procedures for the protection of human rights created by inter-American instruments: petitions and cases, measures of protection, information requests under Article 41 of the American Convention, and the procedures under Article XIV of the Inter-American Convention on Forced Disappearance of Persons.

A petition is considered in four stages: an initial review, admissibility, merits, and compliance with recommendations. When a merits report is issued under Article 50 of the American Convention, the Commission's decides whether to publish the case in its Annual Report or submit it to the Inter-American Court based on whether the Member State ha complied with its recommendations. If the case is submitted to Court, and based on Article 57 of the Convention, the Commission must appear in all matters before the Court.

During 2000-2010, the Commission has applied performance-based management and methods in the individual petition system. The creation of the Legal Direction within the Executive Secretariat, the creation of working groups and the standardization of procedures were all products of the process. From 2007 to 2010, the Commission adopted planning and follow-up methods to track the progress of cases. From 2011 through 2015, the Commission intends to create a combination of resources and methods needed to ensure that its cases are handled efficiently and effectively.

A fundamental function is to ensure legal consistency in case management, including the preparation of draft reports for the Commission's deliberations. This requires coherence in the decision-making delegated to the Executive Secretariat in the areas of planning, management and procedure, informed by the principle of equal treatment for all persons who turn to the Commission.

The Commission's plan for 2011-2015 is to ensure maximum coherence in directing and managing cases before the Commission and the Court, and consistency in the draft reports and decisions taken by the Commission.

Plan of Action 2.1.- Initial Review

In the initial review, a determination is made as to whether a petition meets the requirements set forth in the Commission's Rules of Procedure. A successful action by the Commission will provide the petitioner with an answer that is pertinent (e.g. following the substantive criteria established by the Commission) and timely (within a period of time that is reasonable for effective protection of human rights). The initial reviews involve legal assessments and are done by professionals with the Registry Office and supervisors from the Executive Secretariat; members of the Commission also participate through memoranda for consultation, direction and overall assessment of the petitions received.

Based on the Commission's experience, estimates are that between January 2011 and December 2015, some 1650 petitions will be received the first year (i.e. in 2011), which will increase by another 150 petitions every year thereafter; thus, the total number received in 2015 will be approximately 2250 petitions.

a. Registration of Petitions

The job of registration involves a quick scan of all received petitions and the input of data into the information systems of the IACHR: the Petition and Case Management System (PCMS) and the Documents Management System (DMS). It also includes a check for any urgent matters requiring the Protection Group's immediate attention, and whether the petition provides the information required in Article 28 of the Commission's Rules of Procedure. The goal is for every new petition to undergo its registration within a maximum of 15 days.

b. Priority Review (*per saltum*)

In the period from January 2011 to December 2015, an estimated 10% of the petitions received annually will require priority initial review (*per saltum*). The measure of success for this activity is that every petition requiring priority review will undergo initial examination within a maximum of 30 days. In other words, at end of that 30-day period, the petitions will have been evaluated and the decision as to whether or not it can be processed will have been implemented.

c. Routine Business associated with Petitions

Based on the Registry's experience and documentation of its activities, during the period covered by this Strategic Plan the routine business associated with petitions will generate an estimated 18,000 pieces of correspondence (in either physical form or digital format), 3,000 telephone inquiries, and an estimated 240 inquiries made in person per year.

The goal for this period is that correspondence is processed within 5 working days of being received; that telephone inquiries are answered within two working days of being received, and personal inquiries, given their nature, are handled immediately.

d. Evaluation of Petitions

The success of the initial evaluation phase is one of the basic factors in ensuring that matters brought to the Commission's attention are processed promptly. The Commission's plan is that within three months of receiving a petition, the Commission will provide every petitioner with an answer as to whether his/her petition meets the Commission's requirements. To accomplish this objective, over the period covered by this plan the Commission will have to complete the initial review of an estimated 9750 petitions received from 2011 to the end of 2015, which will involve an estimated 16,250 legal evaluations during that same period.¹

The Commission's plan is that by December 31, 2013, no petition presented prior to December 31, 2010 should be under review.² To accomplish this goal, a total of 10,000 legal evaluations will have to be done between January 1, 2011 and December 31, 2013, which is an estimated 3,300 each year.

Based on the Commission's planning, in order to accomplish these goals, the productivity targets for the initial legal reviews should be as follows:

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------|------|------|------|------|------|
| Evaluations | 2933 | 5867 | 5867 | 5867 | 4025 |

e. Additional Activities

Revisions

Estimates are that from 2011 to 2015, the Commission will receive each year approximately 600 requests asking that it revisit its decisions.³ Those requests generally undergo a summary review because they do not introduce new facts; however, approximately 40% of these requests (an estimated 240) may contain new facts, or the request could be claiming that domestic remedies were exhausted subsequent to the date on which the original petition was declined. In such instances, the petition would have to undergo re-evaluation. The aim is to have this completed within three months of receiving those requests.

General inquiries

The Commission's plan is that every person who makes a general inquiry will receive a response within the space of five days. Accordingly, it will have to answer approximately 1200 pieces of correspondence, 120 telephone calls, and 60 inquiries made in person.

¹ Based on experience, 60% of the evaluations end in a definitive decision in the initial review phase; in the remaining 40% additional information is requested. It is estimated that an attorney working at peak efficiency with a portfolio of 500 petitions may reach an average of 330 evaluations each year, each one involving on average 4 hours of legal analysis.

² A total of 6,000 petitions overall.

³ Some 20% of the estimated 3150 petitions retired at the initial review phase each year of the period based on the decision that a petition will not proceed to processing.

Plan of Action 2.2.- Admissibility

Work begins in the admissibility phase when the petition is opened for processing. This phase entails a detailed review of the files and preparation of the pertinent parts to be forwarded to the State in question (including a review of requests for confidentiality and anonymity). After the arguments and rebuttals pursuant to the Rules of Procedure, the admissibility phase concludes with preparation of the draft admissibility report. Professionals from the Regional Sections, support professionals working with the rapporteurships and the supervisors of the Executive Secretariat will have a hand in preparing a draft admissibility reports. The examination and discussion of draft admissibility reports requires a significant investment of the Commissioners' time; hence, they must either be present in person or participating via electronic means.

a. Opening Petitions for Processing and Preparation of Reports

It is anticipated that during the period covered in this plan, petitions being reviewed for admissibility purposes will be from two sources:

- ◆ every year, the Commission receives new petitions; the Strategic Plan assumes that these petitions will constitute part of the Commission's business in the year in which they are received; and
- ◆ additionally, as a result of the program to eliminate backlog, in 2011, 2012 and 2013 the Commission will examine an estimated 6,000 petitions.

Estimates based on past experience are that on average some 10% of the petitions undergoing initial review will meet the requirements necessary for processing. Furthermore, of those petitions (i.e., those that continue to the admissibility phase), an estimated 80% will require an admissibility report. The remaining petitions, some 10% of those originally submitted, will go to friendly settlement or be closed.

This Strategic Plan aims to eliminate the backlog in the admissibility phase in two stages:

- ◆ changes in methods that serve to improve the output of reports and increase it in 2011 and 2012; and
- ◆ heavy emphasis on the backlog-elimination program in the period from 2013 to late 2015. During this period, the Sections would have to quadruple their production capacity.

In order to achieve these goals, the productivity targets for the admissibility reports should be as follows:

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------------|------|------|------|------|------|
| Admissibility reports | 220 | 220 | 440 | 880 | 704 |

If this pace is sustained, by the end of 2015, some 540 cases will be in the admissibility phase; by 2017, the backlog in the admissibility phase will be eliminated altogether. A successful result will mean that the admissibility phase does not exceed on average a period of one year.

The baseline is an estimated production of 44 admissibility reports per year, per attorney dedicated only to this task. If the projected resources do not materialize or if only a portion of them materialize, the projection under this plan will have to be revisited.

b. Hearings and Working Meetings

According to the projections prepared for this plan, in the period from 2011 to 2015 the Commission intends to hold 10 hearings⁴ each year on matters related to the admissibility phase. The hearings will necessitate preparation by the legal officers. Furthermore, support personnel, the Executive Secretaries and Commissioners will have to be present for the hearings.

c. Routine Business associated with the Admissibility Phase

During the period covered by this plan, the routine business associated with admissibility-related matters will likely involve 1600 pieces of correspondence (either on paper or in digital format)⁵ each year. The measure of success for this activity is that the correspondence is processed within 5 working days of its receipt and telephone inquiries answered within two working days of being received. Given their nature, inquiries made in person would be handled immediately.

Another important consideration is the impact that the anticipated increase in the number of draft reports produced will have in terms of the time demands on the Commissioners.

Plan of action 2.3.- Merits

The work on the merits phase begins when the report declaring a petition admissible is sent to the parties. The parties exchange arguments and counter-arguments and this phase ends with preparation of the report on the merits. The professionals from the Regional Sections, professionals who provide support to the rapporteurships, and supervisors from the Executive Secretariat participate in the preparation of the draft reports on the merits. The job of examining and discussing the draft merits reports makes substantial demands on Commissioners' time, as they must be present for the deliberations.

⁴ At the present time, only in exceptional cases are hearings held during the admissibility phase, and then for the purpose of examining very complex issues or when the Commission deems such hearings necessary. The estimate of 10 admissibility-related hearings per year is based on an estimated 12 weeks of sessions each year, which would allow for an estimated 100 public hearings per year under the individual petition system. Thus, the 10% that would be for admissibility-related matters would mean that admissibility hearings would remain very much the exception. No estimate of working meetings is included because such meetings would not be used during the admissibility phase except when a friendly settlement process has already gotten underway, with a plan of action in place. At the present time, the IACHR meets for six weeks each year and holds close to 90 hearings and 50 working meetings. Estimates are that in 12 weeks of sessions each year, the Commission could hold 180 hearings and 100 working meetings; 100 hearings would be for the individual petition system and the remaining 80 would be devoted to the thematic areas.

⁵ According to the DMS system, between April and September 2010, 803 pieces of admissibility-related correspondence and 434 pieces of merits-related correspondence were received.

a. Preparation of Reports

Based on the Commission's experience, an estimated 162 petitions would be declared admissible each year.⁶ Given the comprehensive nature of this plan and judging from the Commission's experience, of all the petitions declared admissible an estimated 80% (130)⁷ will culminate in a merits report. The premise used is that of the remaining 20%, half (16) will be the subject of a friendly settlement report; for the other half (16), reports will be prepared documenting the closing of the case.

Furthermore, as a result of the backlog-elimination program, in 2012, 2013 and 2014, admissibility reports will be issued on an estimated 480 petitions; 90% (432) of those probably will be declared admissible each year. Based on current experience, 80% (345)⁸ will culminate in a merits report; of the remaining 20%, approximately half (43) would be the subject of a friendly settlement report; for the other half (43), reports would be prepared documenting the closing of the case.

As of the present, close to 500 cases are in the merits phase; together they represent the backlog at this stage of the process. Based on the projections, they, too, would be decided in the three-year period between 2013 and the end of 2015.

This Strategic Plan aims to eliminate the backlog in the merits phase in two stages:

- ◆ changes in methods that serve to increase the output of reports and increase it in 2011 and 2012, and
- ◆ heavy emphasis on the backlog-elimination program in the period from 2013 to late 2015. During this period, the Sections would have to increase their production capacity six fold. Based on the Executive Secretariat's experience and by introducing new production and analysis methods, an attorney involved in the merits phase can, working at peak efficiency, issue 12 draft reports per year.

Based on the Commission's planning, if these goals are to be accomplished, then the following would have to be the productivity targets for the merits reports:

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|----------------|------|------|------|------|------|
| Merits reports | 55 | 165 | 330 | 330 | 330 |

If that pace is sustained, by the end of 2015, 858 cases will be in the merits phase; by 2020 the backlog in the merits phase could be eliminated entirely. A successful result will mean that the merits phase does not exceed on average a period of one year.

The baseline will be an estimated 12 merits reports per year, per attorney dedicated only to this task. If the projected resources do not materialize or if only a portion of them materializes, the estimates projected under this plan will have to be revisited, which will be done in the IACHR's planning process.

⁶ An estimated 90% of the petitions that are accepted for processing, expected to average 180 per annum (180/100*85) in the period from 2011 through 2015.

⁷ 80% of 162 is 129.6, which for planning purposes is rounded off to 130.

⁸ (144/100*80=114, which for planning purposes is rounded off to 115).

b. Hearings and Working Meetings

According to the projections prepared for this plan, in the period from 2011 through 2015 the Commission intends to hold 90 merits hearings each year on matters related to the merits phase. The hearings will necessitate preparation by the legal officers. Furthermore, support personnel, the Executive Secretaries and Commissioners will have to be present for the hearings.

c. Routine Business associated with the Merits Phase

Based on experience, the routine business associated with the merits phase will, during the period covered by this plan, involve 900 pieces of correspondence (either on paper or in digital format)⁹ each year. The measure of success for this activity is that the correspondence is processed within 5 working days of its receipt; telephone inquiries are answered within two working days of being received. Given their nature, inquiries made in person would be handled immediately.

Plan of Action 2.4.- Friendly Settlement

The Commission will analyze previous friendly settlement experiences, will enhance its capability to enable and support friendly settlements and will build up its capacity to follow up on settlements. This will also provide an opportunity to put together the lessons and best practices learned. When the Commission offers its good offices with a view to reaching a friendly settlement, a considerable investment in time is required on the part of the Commissioners and officials from the Executive Secretariat who are assigned to the matter. To provide better support to these activities, a Friendly Settlement Group will be created, in charge of tracking and facilitating the process and assisting the Commissioners with those petitions and cases where the parties have decided to embark upon this type of procedure.

The execution of the planned activities will depend on the available resources, and particularly the number of available lawyers.

a. Preparation of Reports

In 2011 and 2012, estimates are that some 96 petitions or cases could be identified each year that the Friendly Settlement Group might be able to assist.¹⁰ The Group will prepare the necessary reports for the Commission to consider. In 2013, this number would increase by 75 cases,¹¹ and that workload would remain constant through 2015. To assist with the Commission's work in 2016, estimates are that the Friendly Settlement Group would have to be capable to handle 16 petitions or cases per year.

⁹ According to the DMS system, between April and September 2010, 803 pieces of admissibility-related correspondence and 434 pieces of merits-related correspondence were received.

¹⁰ As stated elsewhere in other sections (review, admissibility and merits): in 2011, 18 petitions or cases would be identified from the Commission's 2011 activity (petitions received in 2011 and accepted for processing that same year); 20 would be identified in the backlog-elimination program (petitions received prior to 2011 and accepted for processing that year); 40 would be identified in the admissibility phase, and 16 in the merits phase (cases that moved on to the merits phase in 2011)..

¹¹ As observed in the merits section, an estimated 75 cases would be declared admissible in 2013 under the backlog-elimination program.

According to the planning work done by the Commission, in order to achieve these goals, the productivity targets for preparation of friendly settlement reports or reports documenting the closing of cases would have to be as follows:

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|------|------|------|------|------|
| Friendly settlement reports or reports documenting case closings. | 22 | 55 | 176 | 176 | 176 |

b. Working Meetings

In the period from 2011 through 2015, the Commission intends to hold 40 working meetings per year on matters in the friendly settlement phase. The working meetings will require preparation on the part of the legal officers; support personnel, the Executive Secretaries and Commissioners will have to be present when the working meetings are held.

c. Routine Business associated with Matters in Friendly Settlement

In the period covered by this plan the routine business associated with matters associated with friendly settlement proceedings will likely involve an estimated 1000 pieces of correspondence each year (in either physical form or digital format). The measure of success in this activity is that the correspondence is processed within 5 working days from the date on which it is received and that telephone inquiries are answered within 2 working days. Given their nature, inquiries made in person should be attended to immediately.

Plan of action 2.5.- Follow-up of Recommendations

The work of follow-up of recommendations begins when the report on the merits is forwarded to the parties or the friendly settlement report is issued; this phase is critical to ensuring that the Individual Petition System has its intended impact. The legal officers and supervisors with the Executive Secretariat participate in this follow-up of recommendations. This phase also requires considerable dedication from the Commissioners in the form of follow-up and working meetings; the purpose of this process is to keep the political organs of the Organization informed of the status of compliance with the Commission’s recommendations.

a. Compliance Review

The compliance review process involves periodic requests seeking information from the parties, preparation and consideration of the respective analysis, and issuance of a decision on the matter of compliance. As of the date of issuance of this report, recommendations or friendly settlements in 286 cases are being followed.¹² Since 130 merits reports are expected to be issued each year, the

¹² PCMS search on Oct. 13, 2010, result of “Follow up of recommendations” + “Pending” (172) and “Follow up of friendly settlement” + “Pending” (114).

Commission will have to plan to constantly monitor 414 matters per year in the years 2011 through 2013. Starting in 2014, when the number of merits reports issued will be greater as a result of the backlog elimination program, the capacity would have to be doubled in order to cover, in 2014 and 2015 (and, as a working hypothesis, after that year as well), a total of 477 additional matters per year.¹³

b. Working Meetings

According to the projections prepared for this plan, in the period from 2011 through 2015, the Commission intends to hold 20 working meetings per year on matters related to follow-up of compliance with recommendations. The working meetings will require preparation on the part of the legal officers. Support personnel, the Executive Secretaries and Commissioners will have to be present when the working meetings are held.

c. Routine Business associated with Matters in the Follow-up Phase

Judging from experience, in the period covered by this plan the routine business associated with matters in the recommendations follow-up phase will involve an estimated 1000 pieces of correspondence each year (in either physical form or digital format).

Plan of Action 2.6.- Proceedings before the Court

The American Convention directs the Commission to appear in all cases before the Court. Its mission is to defend the inter-American public order, advocate for the victims, provide informed opinions to the Court and explain the reasoning supporting its conclusions in the contentious process; furthermore, the work before the Court is an integral part of the Commission's strategies to promote human rights. The Commission members and the Executive Secretary participate in the proceedings before the Court, in their capacity as the Commission's delegates in each case that goes to the Court; members of the Court Group and supervisors from the Executive Secretariat provide support for these functions. In their respective capacities, all these persons devote substantial time to directing and executing the Commission's work before the Court.

a. Preparation and Management of Proceedings before the Court

Inasmuch as the IACHR is working actively to ensure that its recommendations are effective and that, in keeping with the principle of good faith and the *pro homine* principle, Member States implement its recommendations, the Commission's starting premise in crafting this Strategic Plan is that a significant percentage of the recommendations it issues will be carried out. However, for planning purposes, provision must be made for the Commission to have an installed capacity to prepare the cases for the Inter-American Court of Human Rights.

The measure of success where this activity is concerned is in Article 51(1) of the American Convention on Human Rights, under which a matter must be referred to the Court within a period of three months from the date of transmittal of the Commission's report to the Member State in question.

¹³ 345 reports from other phases and 132 from the backlog in the merits phase.

b. Hearings and Follow-up Meetings

The Court Group will need the capacity to prepare for several hundred hearings and follow-up meetings each year, either at the seat of the Court (in San José, Costa Rica) or during any sessions that the Court may carry out in other State Parties to the American Convention.

c. Routine Business associated with Matters under Litigation before the Court

At the present time, the Commission has to handle nearly 2400 pieces of correspondence per year.¹⁴ This figure will have to be increased proportionally, as the number of pending cases increases.

Plan of Action 2.7.- Precautionary Measures

a. Review and Immediate Evaluation of Requests

The Commission seeks to ensure an immediate response to any request seeking precautionary measures. This activity involves receipt of requests, evaluating them (by legal officers under a coordinator's supervision), consulting with the Registry Section, Regional Sections or Rapporteurships, review by Management and consulting with the Commissioners for a decision on the matter. Since requests for precautionary measures may refer to situations of urgent risk of irreparable damage, a decision must be issued within strict time limits.

The Commission's objective is to take a decision on every request seeking precautionary measures within 8 days of its receipt. To achieve that objective, during the period covered under this plan, an estimated 2500 requests seeking precautionary measures will have to be evaluated and discussed, assuming an estimated 400 requests in the base year; that figure will increase by an additional 50 requests every year thereafter. To process these new requests, another 50 initial evaluations will have to be done each year.

b. Follow-up of Pending Requests

Only 35% of the requests seeking precautionary measures will be either denied or granted upon immediate evaluation. The remaining 65% remain on follow-up status, since various requests have to go to either the State or to the petitioner seeking additional information for a final decision on the matter.

Therefore, the IACHR always has a group of pending matters for which information has been requested. To illustrate, during 2010, the Commission requested additional information on a group of 180 requests out of 375 received during the year. The Commission's plan is to continue to follow up on this pool of pending matters, for which it will require an installed capacity for an estimated 270 follow-ups per year.

¹⁴ Information provided by the Court Group (LCS) on October 13, 2010.

c. Assessment of Pending Requests

The Commission will carry out an initial assessment and status check on a significant number of matters under study or in which requests for information have been made to either party; all of these date from 2009 and before. According to the DMS, that group amounts to an estimated 800 matters¹⁵. When assessed, these will be classified either as inactive (in which case they will be added to the matters under the “Project to identify and clear up inactive matters” or as active (in which case they will join the ongoing activities).

d. Evaluation of Measures Taken

The Commission’s plan is to continue constantly to evaluate all cases in which a precautionary measure has been ordered. Specifically, the proposed standard is that every order for precautionary measures be reviewed and evaluated at least once every six months; the evaluation can be done on the heels of the request seeking precautionary measures or when the precautionary measures are lifted or deactivated; in the event of noncompliance or if the measures the Member State in question orders are not the proper measures, the matter may be referred to the Court. As of the date of preparation of this plan, the Commission has a total of 719¹⁶ precautionary measures that have been granted since 1998, and 384 requests for precautionary measures under consideration. Assuming an annual average of 300 precautionary measures in force, each of which has to be reviewed periodically, the Commission must maintain an installed capacity to conduct 800 evaluations each year if it is to accomplish its goal of checking the measures it has in force periodically.

e. Visits, Hearings and Working Meetings

To better monitor the urgent situations that are the reasons for the protective measures, the IACHR is of the view that four follow-up visits are needed each year. The Commission will decide whether and when these visits are needed based on its own assessments of the measures taken to implement precautionary measures or the particular needs of any given situation.

Furthermore, during the period covered by this plan, estimates are that a total of 40 working meetings related to precautionary measures will be held each year during the Commission’s sessions.

f. Routine Business associated with Precautionary Measures

Based on experience and the documentation of the Protection Group’s activities, in the period covered by this plan the routine business associated with precautionary measures will involve an estimated 5000¹⁷ incoming documents and 2500 outgoing letters (in either physical form or digital format), along with related tasks of file management.

¹⁵ Source: PCMS [(“Solicitud de información” + pending) + (“En Estudio” + pending)]-Requests presented from 01.jan.10 onwards.

¹⁶ Source: Annual Report Compilation 1998 to 2010 (Precautionary Measures granted) + PCMS (Precautionary Measures granted during 2011).

¹⁷ Figure to be checked against the DMS system.

g. Special Projects

Project to identify and clear up inactive matters

According to the PCMS system, as of the date of preparation of this plan, the Commission has a minimum of 244 matters¹⁸ classified as “inactive”. An in-depth study of these matters is needed to be able to recommend a course of action to the Commission. To completely clear out the file of “inactive” precautionary measures between 2011 and 2013, this study would begin in the first half of 2011, and measures to correct the problem could extend into the first half of 2012

Plan of Action 2.8.- Other Measures of Protection

The basic purpose of the other measures of protection is to provide a means for the Commission to respond when it is concerned about possible systematic violations of human rights (an information request under Article 41 of the American Convention) or in cases of possible forced disappearance (an information request under Article XIV of the Inter-American Convention on Forced Disappearance of Persons).

a. An Article 41 Information Request

Article 41(d) of the American Convention on Human Rights provides that the Commission has the authority “to request the governments of the Member States to supply it with information on the measures adopted by them in matters of human rights.” Under certain circumstances, the Commission exercises this authority in its follow-up of general human rights situations, in which case the procedure is referred to as an “Article 41 information request.” Based on past experience, the Commission begins this type of *ad hoc* process about 48 times a year. Therefore, for the period covered in this plan, a platform will have to be in place that enables the Commission to perform and follow through with 50 *Article 41* information requests in the base year, a number that would increase by five every year thereafter.

b. An Article XIV Information Request

Article XIV of the Inter-American Convention on Forced Disappearance of Persons provides that “when the Inter-American Commission on Human Rights receives a petition or communication regarding an alleged forced disappearance, its Executive Secretariat shall urgently and confidentially address the respective government, and shall request that government to provide as soon as possible information as to the whereabouts of the allegedly disappeared person together with any other information it considers pertinent, (...)” Judging from the Commission’s past experience, these “Article XIV information requests” are made once a month. Therefore, for the duration of this plan, the Commission will need to have a platform in place to enable it to perform and follow through with 25 Article XIV information requests in the first year, a figure that would increase by five every year thereafter.

¹⁸ The figure of 227 came from the PCMS search done on October 12, 2010, for “Precautionary Measures” + “Inactive measure.”

3.

Monitoring of Country Situations

Work on countries has the fundamental goal of ensuring constant monitoring by IACHR of the situation of human Rights in all Member States through hearings, observation visits, reports, and recommendation to Member States. In 2011-2015, the Commission will continue to monitor the situation in all the Member States.

Plan of Action 3.1.- Holding of Country and Regional Hearings

The Commission's plan is to hold a total of 20 country hearings per year, for a total of 100 country or regional hearings in the period from 2011 through 2015.

In principle, the human rights situation in every Member State can be monitored by means of hearings convened by the Commission; it will be up to the Commission to choose which Member States to review prior to the starting date of each session and based on the hearing requests that it receives and its own assessment as to the particular monitoring needs. As for regions, the Commission will decide when to hold regional hearings when it determines that a particular issue has emerged that would be of interest to the region as a whole and discussion of which may prove constructive for purposes of protecting human rights.

The method for conducting general hearings on countries and regions is prescribed in the Commission's Rules of Procedure.

Plan of Action 3.2.- Working Visits of Country Rapporteurs

The Commission's plan is for each member of the Commission to conduct an annual visit to one of the countries in this hemisphere for which that member is rapporteur, for a total of 35 working visits by the country rapporteurs in the period from 2011 through 2015.

In principle, the plan is to visit every country, depending on the invitations extended, the permission granted by the Member States, the Commission's assessment of the particular situation in each country and what the Commission proposes in terms of the country rapporteur's visit.

The procedure followed with any visit is more or less the same: the Rapporteur, with the support of the Executive Secretariat, decides what the agenda will be, based on any particular purpose the visit is intended to serve; the rapporteur then conducts the visit and, at the next available opportunity (usually the Commission's next session), reports the results of his/her visit to the full membership of the Commission.

The measure of success for this activity is the materialization of the Commissioner's visit and the accomplishment of the goals set for each visit.

Plan of Action 3.3.- *In loco* Visits

A visit by two or more Commissioners to a country is qualified as an *in loco* visit. The Commission's plan is to conduct two *in loco* visits to Member States each year, for a total of ten *in loco* visits in the period from 2011 through 2015.

As happens in the case of the working visit, in principle the plan is that every country will be visited, depending on the invitations extended, the permission given by the Member State and the Commission's assessment of the particular situation in each Member State. It is particularly important that the Commission stay flexible about the possibility of conducting *in loco* visits, since the factors affecting the human rights situation in the countries of the hemisphere can change. The Commission's *in loco* visit to Honduras as a result of the 2009 *coup d'état* in that country is a case in point; it is essential that the Commission be open to changing its decisions according to what the particular needs in the region dictate.

The procedure for any visit is very much the same: with the support of the Executive Secretariat, the Commission decides what its agenda will be, depending on what the particular interest of the visit is; the visit is conducted and its results are reported in full. The measure of success with this activity is the materialization of two *in loco* visits per year and accomplishment of the specific objectives established for each one.

Plan of action 3.4.- Country Reports

The Commission's plan is to issue two country reports each year on Member States, for a total of ten country reports in the period from 2011 through 2015.

As happens in the case of *in loco* visits, in principle every Member State could be the subject of a country report, depending on the Commission's assessment of the particular situation in each country. As is true of the visits, the Commission must remain flexible about its decisions on preparation of country reports, taking into account the human situation in any given country and how that situation evolves over the course of time. As in the previous plan of action, a case in point is the report the Commission issued as a result of the 2009 *coup d'état* in Honduras. It is vital that the Commission be open to changing its decisions as the particular needs in the region dictate.

4.

Thematic Areas

Under Article 15(1) of the Commission's Rules of Procedure, "[t]he Commission may create rapporteurships with mandates that are linked to the fulfillment of its functions of promotion and protection of human rights and in accordance with the thematic areas deemed of special interest for achieving this purpose." The Commission's plan with respect to its thematic areas is to develop case law and legal norms; to increase knowledge and understanding of the system; to improve access to the System for those persons associated with a given thematic area, and to build up the Commission's capacity to safeguard and protect their rights.

The Commission decided to establish rapporteurships in the following thematic areas (listed in the order in which they were created):

- ◆ the rights of indigenous peoples;
- ◆ the rights of women;
- ◆ the rights of migratory workers and their families;
- ◆ the rights of children and adolescents;
- ◆ the rights of persons deprived of liberty;
- ◆ the rights of Afro-descendants and against racial discrimination; and
- ◆ the rights of human rights defenders.

The right to freedom of expression is also followed closely, through a Rapporteurship that will be described later in this document.

Plan of Action 4.1.- Hearings

The Commission's plan is to hold a total of 20 thematic hearings each year, for a total of 100 thematic hearings in 2011-2015.

In principle, the plan is that a thematic hearing should be held for any issue of interest in a thematic area. The Commission will choose the specific issue in advance of the hearing at which it will be addressed, based on the requests for hearings it receives and on the Commission's own assessment of the particular need to monitor a given issue. The procedure for conducting the thematic hearings is prescribed in the Commission's Rules of Procedure.

Plan of Action 4.2.- Reports

The Commission's plan is to issue a report for each thematic area every 18 months, for a total of 21 thematic reports in the period from 2011 through 2015. The Commission will remain flexible when deciding which specific issues of a thematic area are to be addressed in a thematic report and how they evolve over the course of time.

Plan of Action 4.3.- Studies

Unlike the thematic reports, thematic studies enable the Commission to provide Member States with advisory assistance from a general perspective, rather than based on some *de facto* situation. The Commission's plan is to issue one thematic study on each of the thematic reports every 30 months, for a total of 14 thematic studies in the period from 2011 through 2015. The Commission will remain flexible about which specific issues of a thematic area it addresses and how they evolve over the course of time.

Plan of Action 4.4.- Case Work

The Commission's plan is that, with input from the Commissioners and specialized assistance from the Rapporteurships' personnel, every year it will assist with an estimated 100 petitions, prepare approximately 20 admissibility reports, 10 merits reports and 8 cases for the Court. Also, each thematic area will assist with the evaluation of 50 requests seeking precautionary measures and an estimated 100 follow-ups on the measures ordered. All of these, by definition, are cases in which a specialized input is necessary to adequately deal with the matter before the Commission.

Plan of Action 4.5.- Working Visits

The Commission's plan is that each thematic rapporteur will make one working visit per year, for a total of seven thematic visits in a year or 35 thematic visits in the period from 2011 through 2015. In principle every Member State could be visited, depending on the invitations extended, the permission given by the Member States and the Commission's assessment of the particular situation in each Member State and what that situation demands in terms of visits by the rapporteur. The method followed for working visits by thematic rapporteurs is similar to the procedure prescribed for other visits: the rapporteur, with the support of the Executive Secretariat, determines what the visit's agenda will be based on the particular concerns that the visit is intended to address; the Rapporteur then makes the visit and, upon return, reports to the full membership of the Commission at the next available opportunity, which is usually the Commission's next session.

Plan of Action 4.6.- Other Thematic Areas

A fundamental part of the Commission's mandate is to remain flexible when determining new areas of interest or concern in the area of human rights: emerging thematic areas that the Commission is following include the rights of the elderly and the rights of persons living with mental or physical disability. In order to detect new situations or possible new areas, the Commission will keep the necessary platform in place so that it can hold 30 hearings per year on emerging thematic areas or issues related to its mandate.

Moreover, the Commission has already identified three emerging areas of interest and will conduct activities related to these newly emerging areas during this plan's execution:

i. The Rights of LGBTI Communities

Under this Plan of Action, the IACHR will develop reports on sexual identity-derived human rights problems in the American States. The reports will focus on de jure and de facto discrimination and give visibility to the problems faced by lesbian, gay, trans, bisexual and intersex persons at the regional and international level. The reports will include recommendations for change in the realms of public policy, legislation and judicial interpretation and may be part of a hemispheric "Report on the State of LGBTI Rights in the Americas" issued in December 2013 at the end of the 24 months process. There is an urgent need to produce evidence-based studies that can establish the extent of discrimination and violence towards members of these communities and how they impact on access to prevention and treatment programs and services. This need has been recognized by the Member States of the OAS, who have exhorted the IACHR to prepare a study concerning the rights of the members of LGBTI communities in the Americas (vide, AG/RES. 2600 (XL-O/10)).

As a second element of the Plan of Action, cases alleging of discrimination based on sexual orientation will be prioritized and processed. The Commission will consider and decide cases based on draft reports. The resolution of the cases will provide access to the system for a largely ignored group of victims and, through measures of non-repetition, will promote systemic change. Further, the subject-matter of the cases will contribute as data for the Commission's overall analysis of the situation.

Third, building on the OAS General Assembly resolutions since 2008 concerning human rights and sexual orientation, the Commission "as consultative organ of the Organization" will formulate and provide specialized technical advice in relation to the annual resolution, providing comments and recommendations to the political bodies in the process of the preparation and negotiation of the said resolution and its follow-up.

ii. Right to the Truth

This plan of action will establish the conceptual basis, substantive content and process for preparing a report on the right to the truth in the hemisphere. The Commission's plan is to publish that report in 2012.

To prepare that report, preliminary studies will be done, the Member States and other actors in society will be consulted, and thematic visits and hearings may be held. The resources earmarked for this line

of activity will also help provide expertise in addressing an estimated 100 individual petitions and advisory services to the States on this subject.

iii. Economic, Social and Cultural Rights

In recent years, the Commission has been addressing issues concerning economic, social and cultural rights with increasing frequency. In 2007, in order to continue developing its work in this area the Commission published a report outlining principles and standards on the rights to a fair trial and judicial protection in matters involving economic, social and cultural rights, and in 2008 published a report proposing guidelines for the monitoring of the rights set forth in the Protocol of San Salvador. The present plan of action will establish the conceptual basis, substantive content and process for preparing a report on economic, social and cultural rights in the hemisphere. The Commission's plan is to publish that new report in 2013.

The report will necessitate preliminary studies, consultations with States and other actors in society, and possible thematic visits and hearings. The resources earmarked for this line of activity will also help with an estimated 100 individual petitions and provide advisory services to the States on this subject.

5.

Special Thematic Area: Freedom of Expression

Plan of Action 5.1.- Access to Justice and Standards

This plan of action features all the activities needed to move the petitions and cases through the inter-American system: advisory services to the IACHR on the various cases; preparation of draft admissibility and draft merits reports; conducting visits needed (at least two per year) to interview the parties and key actors in the cases and hold hearings on them when required or requested. The goal of the Office of the Special Rapporteur for Freedom of Expression is to move at least nine (9) cases per year through the system.

Plan of Action 5.2.- Reconciling Domestic Standards and Practices with the Standards of the IAHRs

This plan of action has two components: 1) constant monitoring and providing technical or advisory services to the Member States and civil society to promote measures to protect freedom of expression and prevent regression; and 2) preparation of reports that address the most recurring or structural problems and challenges. The following are the projects in this plan of action:

- ◆ A regional study comparing domestic laws governing access to public information with inter-American standards
- ◆ A study on plurality, diversity and community-based broadcasting
- ◆ Studies on criminal law and freedom of expression
- ◆ A study to prevent and reduce impunity in the prosecution of crimes committed against journalists
- ◆ A study on the means to avoid indirect censorship and misuse of government advertising, among other matters.

The studies involve a review of studies in comparative law; collection of data in selected countries; an evaluation of developments in local standards and regulations based on inter-American principles; and identification of specific recommendations to the Member States and civil society concerning the legislative, regulatory, judicial or administrative measures to make local standards and regulations consistent with inter-American standards.

The project to combat impunity in the case of crimes committed against journalists has a dynamic all its own. A study will be done on the prosecution of these crimes in the 1995-2009 period; cases will be selected that are emblematic with a view to getting recommendations on how the law and the institutional structure must be changed to prevent or reduce impunity.

Plan of Action 5.3.- Better Knowledge and Understanding of the Inter-American System

This plan of action involves:

- ◆ Preparation and publication of training materials on freedom of expression and the inter-American system, for journalists, nongovernmental organizations, and officials.
- ◆ Updating and modifying the website of the Office of the Special Rapporteur for Freedom of Expression
- ◆ Academic visits to the countries of the region, to conduct training seminars on the inter-American standards on freedom of expression. In the five-year period of this Strategic Plan, 30 seminars will be given in 15 different countries for journalists, academics and other members of civil society. At least one international seminar will be held each year for instruction in the inter-American standards on freedom of expression, with emphasis on a specific topic of study and for discussion of the progress made and difficulties encountered with local regulation of the priority issues identified by the Office of the Special Rapporteur based on these standards.

Plan of Action 5.4.- Monitoring and Thematic Reports

This Plan of Action includes the following activities:

- ◆ Developing methodology, including: i) Devising protocols or another methodology to monitor and react quickly and effectively to possible violations of freedom of expression in the region; ii) developing an improved method to prepare the reports on freedom of expression in the Americas, and iii) devising the methodology for preparing country reports.
- ◆ Monitoring the enactment of legislation, regulations and public policies related to freedom of thought and expression, on specific topics, to check whether they conform to inter-American standards on freedom of expression.
- ◆ Preparing and organizing official visits in cooperation with the country's authorities. Although it is not yet possible to know how many such visits can be made or which countries will extend the necessary invitation, the plan makes provision for two *in situ* visits per year to countries to assess the situation regarding freedom of expression there, engage in dialogue with key players and compile information on the various aspects of freedom of expression.
- ◆ Preparing an annual report on the situation of freedom of expression.
- ◆ To support its activities, the IACHR will keep in place the platform necessary to hold 10 hearings per year related to freedom of expression.

6.

Other Activities to Promote Human Rights

Plan of Action 6.1.- Universal Acceptance of the IAHRs

In the period from 2011 to 2015, the Commission will harness all its mechanisms to work toward universal acceptance of the inter-American human rights instruments. During its in loco visits, for example, it will develop and pursue an agenda of political dialogue with the executive and legislative branches of government which, as a matter of routine, will include a review of the status of ratification of the regional instruments and a call for ratification when adherence is lacking. In its recommendations and when deemed appropriate, the Commission will underscore the need to abide by the inter-American framework of rules, particularly when a vacuum in a country's domestic laws may have contributed to violations of rights.

The Commission will also hold technical meetings and seminars for Member State representatives, civil society organizations and other interest groups in those countries that have not yet ratified some inter-American instruments. These meetings and seminars will provide a venue for dialogue and an exchange of views to identify what obstacles stand in the way of completing ratification. The Commission's plan is to conduct at least one activity of this type every year.

Plan of Action 6.2.- External Training

The Commission's plan is to establish a platform so that members are able to participate in the various academic events on human rights to which they are regularly invited, in furtherance of the Commission's mandate from the Member States, which is to promote human rights and the Inter-American System. Commissioners are currently being invited to an average of 12 academic events each year in various parts of the region and the world. They attend only a small percentage of those events and only when the event organizers have the funds to cover the Commissioners' expenses.

The IACHR's plan is to establish a program so that each Commissioner is able to participate in 12 academic events per year.

Plan of Action 6.3.- Fellowships and Internships

Every year, the IACHR conducts an extensive training program for attorneys and law students in the hemisphere. The basic purpose of this program is for such persons to learn, use and share their knowledge of the IAHRs in the countries of the Americas.

a. “Rómulo Gallegos” Fellowship Program

The Commission has a Fellowship Program called the “Rómulo Gallegos” Fellowship, which is for young professionals from the OAS Member States who have completed their university studies in law and have acquired their degree in law. Attorneys from the countries of the hemisphere are selected every year in a rigorous competition in which they must demonstrate their commitment to human rights, a strong academic background and a command of at least two of the OAS’ official languages.

The program provides practical training in the inter-American system for the promotion and protection of human rights, particularly in the work that the Inter-American Commission does. Through the fellowship program, the fellowship recipients are coordinated so that they participate directly in the work of the Executive Secretariat of the Inter-American Commission, in its various areas of work, under the supervision of its specialists in human rights, so that what they learn can then be applied in their country of origin.

The program lasts 12 months and is coordinated by a specialist who performs the functions associated with the fellowship announcement, the selection of recipients, preliminary training and constant assistance for the duration of the fellowship. The program ends with a ceremony at which certificates are awarded. The fellowship program provides a monthly stipend, air fare and health coverage.

b. “Notre Dame” Fellowship Program

This fellowship program is conducted under an agreement with the University of Notre Dame. The Commission and the University of Notre Dame partner to jointly fund one fellowship recipient at the Commission for a period of eight months.

The program is an opportunity to gain practical experience in the inter-American system for the promotion and protection of human rights, particularly in the work done by the Inter-American Commission. To be eligible for the program, an applicant must have completed his/her LL.M. in Human Rights at the University of Notre Dame. The selected attorney is assigned to various programs in the Executive Secretariat.

c. The “Brian Tittmore” Fellowship

This program is offered under an agreement with the University of Quebec in Montreal. Under the terms of that agreement, the University of Quebec underwrites the so-called “Brian Tittmore” Fellowship to enable a graduate student from that university to spend 10 months working at the Commission’s Executive Secretariat.

The program offers practical experience in the inter-American system for the promotion and protection of human rights, particularly in the work that the Inter-American Commission conducts. The fellowship goes to a professional selected by the University of Quebec in Montreal.

d. Thematic Fellowships

The Commission's plan is to replicate its experience in training young professionals from the OAS Member States, following the same procedure used in the case of the "Rómulo Gallegos" fellowships, but with the focus on thematic areas. In the past, fellowships have been awarded in the area of women's rights, the rights of indigenous peoples, the rights of human rights defenders, the rights of the child, and the rights of Afro-descendants.

e. Annual Internship Program

The Inter-American Commission has an Internship Program that is administered jointly with the OAS Internship Program. It offers young law students and newly graduated lawyers from the OAS Member States the opportunity to get firsthand knowledge of and experience in the Inter-American Commission, with the emphasis on the mechanisms of protection that the Inter-American Human Rights System offers. The idea is that interns take what they have learned and apply it in their country of origin.

During the internship, participants have an opportunity to work with the attorneys of the Executive Secretariat on the various activities that the Commission has in progress. The program has three sessions each year, lasting a minimum of two months and a maximum of four. The internships are not remunerated.

The program is coordinated by a specialist who performs the functions associated with announcement of the internships, selecting the recipients, preliminary training and constant assistance for the duration of the internship. At the end of the program, certificates are awarded. The Commission and a number of universities throughout the hemisphere have entered into agreements regarding these internships.

7.

Public Information

The goal of the plan with respect to public information is to enable the peoples of the Americas to be more and better informed about the Inter-American Commission on Human Rights, its mandate and functions, procedures and decisions, and about the tools available within the inter-American system to defend and protect human rights.

Accordingly, the Commission's objectives in the area of public information for the 2011 - 2015 period are as follows:

- ◆ To get more journalistic coverage of the Inter-American Commission and its decisions in the communications media of the Americas;
- ◆ To improve the quality of the media coverage that the Commission and its decisions receive by giving journalists from the region a better understanding of the Commission, its functions, mechanisms, tools and decisions;
- ◆ To heighten the Commission's profile in opinion pieces and venues, as an informed and recognized source on questions of human rights;
- ◆ To increase and enhance the vehicles for communicating directly with users and potential users of the inter-American human rights system, so that they have access to the information that the Commission produces, its decisions and its procedures.

Plan of Action 7.1.- Relationship with the Media and Journalists

Under this plan of action, the Commission's list of contacts in the media will be kept up to date and a relationship of trust and constant sharing will be cultivated with those journalists who cover the Commission's activities or human rights issues in general. Personalized attention will be given to information requests received from journalists and the media, giving one-on-one time to the correspondents working for newspapers in Latin America, the Caribbean and North America, and for the English- and Spanish-language news services of the international news agencies. Two-hour introductory courses on the inter-American system and the Inter-American Commission will be offered to correspondents and journalists when they arrive in Washington or when, after being stationed elsewhere in the world, their editors assign them to cover the Commission or the general theme of human rights. Press conferences will be organized and whenever possible the new technologies will be used, including live Webcasts and taking questions by electronic media in order to encourage and make

it easier for journalists and the media across the hemisphere to participate, even when they are not physically present in Washington. Off-the-record briefings will be organized to cultivate a personal relationship of trust with the journalists.

All inquiries that the Commission receives from the press will be answered. The information will be presented in such a way that journalists who do not specialize in juridical or legal issues are able to fully understand it. Journalists will be assisted in their search for relevant materials and decisions. Information will be provided that can be used to produce reports and articles, with or without IACHR attribution. Requests for interviews will be for attribution, and as many requests for interviews as possible will be accommodated so as to thereby increase the number of comments from IACHR spokespersons in the mass media. Commissioners will be advised and prepared for radio and television interviews and press conferences.

The Commission's decisions will be translated into plain language, understandable to a general public that has no special knowledge of the law. Summaries of the precautionary measures granted will be drafted and published.

Under this plan of action, press releases will be suggested, drafted, edited and disseminated to report the Commission's decisions and its reaction to important developments in the area of human rights.

The plan aims at immediate publication of press releases on those matters that the Commission identifies as priorities; the holding of periodic press conferences by the Commissioners; an increase in the coverage that the Commission's press releases receive in the region's media; processing responses to an estimated 400 information requests from the press each year; publication of between 300 and 350 summaries of precautionary measures granted each year.

Plan of Action 7.2.- Development and Implementation of Campaigns

Through this line of action, specific campaigns will be organized to get maximum exposure for the Commission's activities and decisions and to improve the institutional image of the Inter-American Commission.

This plan includes design and development of specific campaigns to launch and publicize the thematic and country reports that the Commission prepares. These campaigns will also feature publication of the reports in print and in electronic format, their introduction in various countries, the holding of seminars and press conferences, the drafting and publication of opinion pieces on the reports, interviews with the mass communications media, preparation of "press kits" containing basic materials and summaries written in a language that is understandable to the general public.

Specific press campaigns will be designed and conducted for occasions like the sessions the Commission holds in Washington and away from Commission headquarters. Here, the goal will be maximum exposure for the public hearings, the press release issued at the end of a session and the final press conference. The schedule of hearings for each session will be published in advance, and briefings will be held for journalists who plan to cover the sessions, so as to be able to offer them more substantive

information and make the matters to be discussed easy to understand. Requests for interviews with Commission officials and participants in the hearings (representatives of the Member States and of the petitioners) will be conveyed and answered. High-resolution copies of the videos will be made available to the press.

Under this plan of action, specific press campaigns for *in loco* visits and working visits by thematic rapporteurs will also be designed and conducted. Interviews and press conferences will be arranged; press releases on the visits will be written, edited and circulated. Members of the delegation will be advised on the relationship with the press during the visit.

Specific public information campaigns will also be designed as needs arise. An example would be the campaign in 2009 for the 50th anniversary of the IACHR, which included, *inter alia*, seminars in Buenos Aires, ceremonies in Santiago, and a poster contest for the children and youth of the Americas.

Informative brochures will be designed and published, and short videos will be produced, filmed and edited to publicize the Commission, its tools and procedures, its thematic rapporteurs, how the individual case system works, and the impact of the inter-American system in the region, all in the four official languages of the OAS.

The measure of success for this Plan of Action will be the media coverage given to publication of the Commission's thematic and country reports, its sessions, working visits, *in loco* visits and special campaigns. In quantitative terms, the coverage will be gauged by the number of published articles found on the internet; qualitatively, it will be assessed by the number of factual errors that appear in the media coverage.

Plan of Action 7.3.- The IACHR in the Electronic Media

At the present time, the Commission's website is being updated and its navigability improved. The goal of this line of action is to implement a strategy to use the electronic media to disseminate news about the Commission and its decisions, all within the framework of a well-orchestrated communications plan.

The electronic distribution list will be updated and purged. Subscribers receive the Commission's press releases and notices alerting them that new materials are available at the Commission's Web site. The list of subscribers will be continually expanded; it includes journalists, media outlets, nongovernmental organizations, victims, petitioners with the inter-American system, governmental bodies like ministries, embassies and missions to the OAS, members of the academic world, international agencies, multilateral organizations, and so on.

Every effort will be made to continue the live Webcasts of the Commission's sessions, which began in 2007. The long-term objective is to expand the system so that all the public hearings can be broadcast. The Commission will make arrangements with the OAS' Multimedia Department so that the Webcasts can be broadcast in several languages. Every effort will be made to accommodate the needs of the audiovisual media that attend the hearings to enable them to tape it. Fiber optic transmission will be organized so as to be able to connect to several thousand computers simultaneously. The Commission's internet page will carry the videos, audio recordings and photographs of the public hearings for the

general public. The database of the advanced search system for hearings available at the Commission's Web page will be kept up-to-date to make it easier for users to find hearing-related materials.

An effort will also be made to do a Webcast of the press conferences and other events, such as the Commission's presentations to the OAS Permanent Council and its Committee on Juridical and Political Affairs.

Finally, an effort will be made to publicize the Commission's work via social media and using other Web 2.0 platforms. A strategic plan will be mapped out to give the Commission a presence in social media and thereby create new ways of reaching younger sectors of the population of the hemisphere.

The success of this Plan of Action is measured by the number of hits the IACHR's web page receives, the number of those who tune in for the Webcasts of the Commission's public hearings; an increase in the number of subscribers on the distribution list, and an increase in the number of those who follow the Commission's social media pages and accounts.

8.

Institutional Development

The mission in the area of institutional development is to offer the IACHR administrative support, which includes management of its budget and finances; personnel management and contracting; procurement and leasing of goods and services; preparation, follow-up, evaluation and production of reports on specific financing projects; and management of the Executive Secretariat's information technology services.

Plan of Action 8.1.- Administration

The Commission intends to have in place advisory services and operating capacity for administration, personnel matters, and procurement of goods and services.

- ◆ Make the annual obligations for the Commission's general operations and payments to Commissioners for special services.
- ◆ Optimize procedures for selecting and hiring staff of the Executive Secretariat and consultants, all in accordance with the applicable provisions of the Staff Rules and other administrative provisions of the General Secretariat. Handle the procedures involved in competitions and reclassifications promptly and smoothly.
- ◆ Follow up and prepare a six-month report on the consulting contracts, personnel whose posts come under the Regular Fund and Specific Funds in order to program the human resources of the IACHR.
- ◆ Issue the appropriate administrative actions for procurement of the goods and services that the Commission needs to conduct its activities (sessions, visits, publications, and so on).

Plan of Action 8.2.- Finance

The Executive Secretariat's plan is to ensure the technical expertise necessary to obtain the necessary funds for the Commission to operate properly and for the proper management of those funds. The specific objectives are as follows:

- ◆ To follow up on implementation of the Commission's Strategic Plan to make certain that the activities included therein are properly funded for the next five years and to prepare the intermediate and final reports that donors require.

- ◆ To prepare, negotiate, monitor and evaluate the plans for funding those activities in the Strategic Plan for which additional funds will have to be raised.
- ◆ To examine and analyze the agreements and proposals with donors to check for compliance with the financial rules, regulations and procedures of the OAS General Secretariat.
- ◆ To prepare budgets, financial statements, reports and documents that are responsive to the Commission's needs and donors' requests.
- ◆ To properly structure the projects and do a financial analysis of each in order to be able to properly monitor and follow up execution.
- ◆ To provide assistance in the external audits associated with projects carried out with specific funds, in those cases in which external audits are a requirement stipulated in the agreements concluded with donors.

Plan of Action 8.3.- Information Systems

Through systems development, the Commission is facilitating case management, thematic studies, and monitoring the human rights situations in the countries of the hemisphere. In the period from 2011 through 2015, the Commission's plan is to integrate its systems so as to have a single digital case management system, improve the quality and reliability of the data, and ensure that the systems contribute to making the Commission's processes and procedures as efficient as possible.

a. Commissioners' Connectivity

In the period from 2011 through 2015, the Commission's plan is to ensure that Commissioners have full connectivity to the Commission's case management and documents management systems. It also plans to integrate Commissioners into the virtual session system, allowing deliberations by the full membership.

b. User Connectivity

The Commission's plan is to enable users of the system of petitions, cases and precautionary measures to check the status of their cases and requests for precautionary measures with the Commission via remote means. The Commission also plans to generate automatic, digital notifications of receipt and transmittal of documentation related to cases and petitions, complementing the DMS and PCMS systems in the user/IACHR relationship so that:

- ◆ Users of the IACHR's system of petitions, cases and precautionary measures are able to obtain updates online, thereby guaranteeing the confidentiality of the data.
- ◆ Correspondence sent and received, contained in virtual case files, can be accessed electronically.
- ◆ Notifications of messages received and sent are automatic
- ◆ Petitioners or victims are able to monitor their petitions or requests seeking precautionary measures or to file new petitions or requests.
- ◆ Member States are able to monitor the petitions and/or measures requested from a single user.

Objectives (some applications are also objectives)

- ◆ Develop the Portal
- ◆ Increase the number of users who employ this portal in the Commission's individual case system
- ◆ Serve as the means *par excellence* for receiving and sending correspondence related to the system of petitions, cases and precautionary measures (or perhaps develop it with the goal of covering 90% of the communications. In other words: users of the petition and case system and the Commission Secretariat itself rely on this system for communications 90% of the time).
- ◆ Reduce the average time spent receiving and responding to the various matters.
- ◆ Improve user satisfaction while generating a culture that relies on electronic media to communicate with the IACHR.
- ◆ Reduce the amount of time spent answering inquiries from the public about the status of their petitions, cases and/or measures, regardless of how the inquiries are made.
- ◆ Lower the communication expenses of the Commission's Secretariat.

c. Process Management: The PCMS System

Incorporate every procedure related to the petition and case system into the PCMS and generate all correspondence related to petitions, cases and precautionary measures using this system; maintain and constantly apply mechanisms and protocols for quality control and use of the information contained in the PCMS.

Objectives

- ◆ In the period from 2011 to 2016, reduce the PCMS' margin of error¹⁹ to 2%;
- ◆ Develop and put into practice Phase II of the PCMS, including development of incoming mail filters and the tools for general management of portfolios and system management; expansion of the system to three modules (general correspondence, procedures under Article XIV of the Inter-American Convention on Forced Disappearance of Persons, and requests under Article 41 of the American Convention)

Outputs

- ◆ Develop a protocol that includes the criteria for defining errors in the PCMS; b) diagnostic study of the current margin of error in the PCMS system; c) plan of action to reduce the margin of error to 2% by 2016.
- ◆ Application document under Phase II, based on the diagnostic studies and lists of existing needs, ascertained through a constant process of evaluation conducted in the period from 2007 to 2010; b) deployment of Phase II (in cooperation with DOITS);

¹⁹ An "error" in a PCMS entry is understood to mean: incorrect information entered into the respective record (i.e., the name of the victim, petitioner, petitioner's address, country); an incorrect entry on the status of the case; or no information entered on the procedures carried out.

d. Documents Management

Paper filing system

- ◆ Ensure the organization, custody and upkeep of the Commission's paper files. Those files are composed of the paper copies of the supporting documents associated with the following lines of activity:
- ◆ The individual petition system (including the records of petitions, cases, precautionary measures and other protection procedures)
- ◆ The original print copy (signed) of every report issued by the Commission
- ◆ The minutes of the Commission's sessions (including deliberations and hearings)
- ◆ Information compiled when monitoring the human rights situation in countries of the region
- ◆ Information compiled from monitoring developments in thematic areas
- ◆ The Commission's general correspondence.

The paper filing system also includes the Commission's historical documents, which are located in the OAS' central archives.

Digital filing system

Include every document received and generated by the IACHR in digital format and manage all documents-related procedures through the DMS, generate and maintain virtual files of every matter currently before the Commission, and maintain and continually apply control mechanisms to check for the processes' efficiency, and protocols for quality control and use of information contained in the DMS. Obtain certification of green organization.

Objectives

- ◆ Complete the initial evaluation of the first version of the DMS;
- ◆ Standardize documents procedures and flows used in the DMS, ensure maximum efficiency and the integrity of the data contained in the system;
- ◆ Perfect the definition, content, presentation and organization of the virtual file to ensure that it matches the paper files as much as possible and keeps pace with the process.
- ◆ In the period from 2011 to 2016, reduce the DMS system's margin of error to the minimum deemed acceptable to upper-level management;
- ◆ Expansion of the digital documents management system to include all correspondence received by the Commission;
- ◆ 90% of the documents received should be in digital format (the remaining 10% is for documents received from persons who, by 2016, still do not have access to electronic media).

e. Reports

Using the data in the PCMS and DMS systems, produce the reports for the Commission, the Executive Secretary and other officials of the Executive Secretariat that require them, specifically:

- ◆ Statistics for the Commission's annual report;
- ◆ Quarterly reports to the Commission (internal directives);
- ◆ Statistics for the report of the Executive Secretary;
- ◆ Statistics that coordinators require for management-related matters.

f. Build up of the Technological Platform

- ◆ Intelligent meeting rooms
- ◆ Computers (PCs and laptops)
- ◆ Digitalization equipment
- ◆ Leased backups and servers
- ◆ Software licenses
- ◆ Remote access, virtual offices and meetings

Plan of Action 8.4.- Documents

The Commission will continue to publish and circulate the documents it issues.

- ◆ Publish and distribute the Annual Reports of the IACHR for 2010 to 2014, which includes a detailed accounting of the legal bases and activities of the Commission, its visits, reports on individual cases, and the status of compliance with Commission recommendations, country reports and thematic reports. The Annual Report will also include a chapter on "Human Rights Developments in the Region."
- ◆ Publish and distribute two country reports per year.
- ◆ Publish and distribute 21 thematic reports in the period from 2011 through 2015, or an average of four to five a year.
- ◆ At the Commission's website, publish the reports approved during the year.



Inter-American Commission on Human Rights
Strategic Plan 2011-2015

Part III

Monitoring and Evaluation



**Organization
of American States**

**The Inter-American
Commission
on Human Rights
in 2016**

**Persons within the jurisdiction
of the OAS Member States
have easy and direct access to the
Inter-American Commission on Human Rights;**

**the Commission responds promptly
to people's needs;**

**its decisions and recommendations, when carried out by the States,
are an effective tool by which the States strengthen their mechanisms
to protect and promote human rights;**

**the inter-American conventions in the area of human rights
are ratified by all States in the hemisphere and
the commitments they undertake therein are fully incorporated into their
domestic laws;**

**the specific needs of groups that have historically been the victims
of discrimination are taken into account and reflected
in the design and implementation of all IACHR activities.**

Part III:

Monitoring and Evaluation

Table of Contents

| | |
|---|-----|
| Introduction | 109 |
| | 111 |
| Assumptions and Scenarios | |
| 1.- Background on M&E, RBM and Outcome Mapping | 116 |
| 1.1.- The Rationale for Results Based Management..... | 116 |
| 1.2.- RBM Concepts and Terminology | 117 |
| 1.3.- RBM Principles | 118 |
| 1.4.- Outcome Mapping Principles and utilization-Focused Evaluation | 119 |
| 1.5.- Synchronization to OAS Planning instruments and processes..... | 121 |
| 2.- Inter-American Commission on Human Rights Logic Model | 122 |
| Strategic and Programme Level | 122 |
| Level of Programmes and Plans of Action | 123 |
| 3.- Performance Measurement Framework (PMF) | 129 |
| 4.- IACHR Group Activities Calendar..... | 146 |
| 5.- Progressive Budget of the Strategic Plan | 148 |
| 6.- Monitoring and Evaluation | 151 |
| 7.- Financial Management of IACHR Strategic Plan 2011-2015 | 152 |

Part III

Implementation, Monitoring, Reporting and Evaluation Systems

Introduction

Part III of the Inter-American Commission on Human Rights (IACHR) Strategic Plan 2011-2015 presents the Monitoring and Evaluation System for measuring the results that the Commission aims to achieve in this period. The integrated approach used in Part III is very important for 5 reasons. These are adopted by the Commission as guiding principles of its planning activities and, furthermore, they are consistent with the principles of the Paris Declaration of Aid Effectiveness:

1. **Ownership** - IACHR will take ownership of the direction of its new Strategic Plan, not only the content of the objectives described in terms of the Commission's core mandates, but also on how it will take a leadership role in training and managing for results using its new Monitoring and Evaluation ("M&E") System.
2. **Alignment** – Although the Commission will take a leadership role in monitoring and evaluating the process towards achieving the goals of its Strategic Plan 2011-2015, increased assistance and support will be needed to accomplish this. The needs of all stakeholders (including victims and civil society, OAS Member and Observer States – some of which are donors-, and the General Secretariat of the OAS) should be aligned with the Commission's primary objectives as described in the Strategic Plan. This will ensure that initiatives taken by stakeholders are coherent with the goals of the Strategic Plan and that initiatives that are not compatible with it are not pursued. It will further prevent incompatible projects from going forward and using much needed revenue and management time for oversight and monitoring of performance.

3. **Harmonisation** – Through the M&E System, the Commission’s work, as described in the Strategic Plan, is harmonized with the plans of stakeholders. For this reason, the M&E System will use reporting templates consistent with those designed by the OECD-DAC.
4. **Managing for Results** - In undertaking this exercise of developing a M&E System, the IACHR has committed itself to developing a culture that is identified with managing for results, and working with its partners to make the results accessible, measureable and transparent.
5. **Mutual Accountability** - The successful development of these changes will require not only the commitment of IACHR, but also the cooperation of all stakeholders. Thus, there should be an understanding that managing for results will require more than development of indicators and protocols to use for measurement. It will also require a commitment by all stakeholders to fund the IACHR in its transition towards the future as described in Parts I and II of the Strategic Plan 2011-2015.

Part III on M&E builds on the content in the Part I Overview and Background to the Strategic Plan and Part II which presents the Programs and Action Plans. Part III was prepared with the assistance of external M&E consultants from RBMG. Beginning in February, 2011 with a visit by the consultants to IACHR headquarters in Washington, D.C., the RBMG consultants worked closely with the IACHR Management Team. During that visit, the consultants conducted a document review and carried out several key informant interviews within IACHR and with a variety of stakeholders to understand the context of the IACHR and to draw key personnel into the process of developing the M&E system.

This process was followed by preparation of preliminary findings which IACHR requested that the consultants present at the March 2011 *Technical Meeting for the Co-Ordination of Support to the Inter-American Human Rights System* in Ottawa, Canada attended by representatives of a wide range of OAS Member and Observer States.

The third stage of the work was a second visit to Washington, D.C. in April, 2011 when additional key informants were interviewed and all internal legal and other teams in IACHR were interviewed in focus group meetings.

Part III is divided into four sections:

- **Section 1** describes background on M&E, Results-based-management (“RBM”) and Outcome Mapping;
- **Section 2** contains the overall logic model agreed to by the Commission and presented to Country stakeholders in March, 2011 in Ottawa (augmented by a more detailed breakdown of each part of the logic model);
- **Section 3** contains the detailed Performance Measurement Table including output level indicators, data sources, collection methods, frequency and responsibility for data collection; and
- **Section 4** contains the Interactive Planning Calendar of Human Rights related Activities of the IACHR, including an on-line video tutorial describing how to use it.

Annex 1 includes examples of tools, protocols, procedures, quality and verification processes provided by RBMG to ensure that information can be gathered and analyzed effectively in ways consistent with the principles of OECD-DAC. The Annex includes RBM templates and some used in Outcome Mapping.

Putting the M&E system for the Strategic Plan in place will require that staff be trained to use it. The system uses primarily quantitative indicators plus some qualitative indicators to track the work of the Commission and its key results. The RBM approach presented is the system used by most stakeholders to which some aspects of Outcome Mapping have been added. The system is intended to meet the needs of IACHR and its stakeholders and designed so that data is collected as automatically as possible so that the M&E system doesn't add to the already heavy workload of IACHR staff.

Assumptions and Scenarios

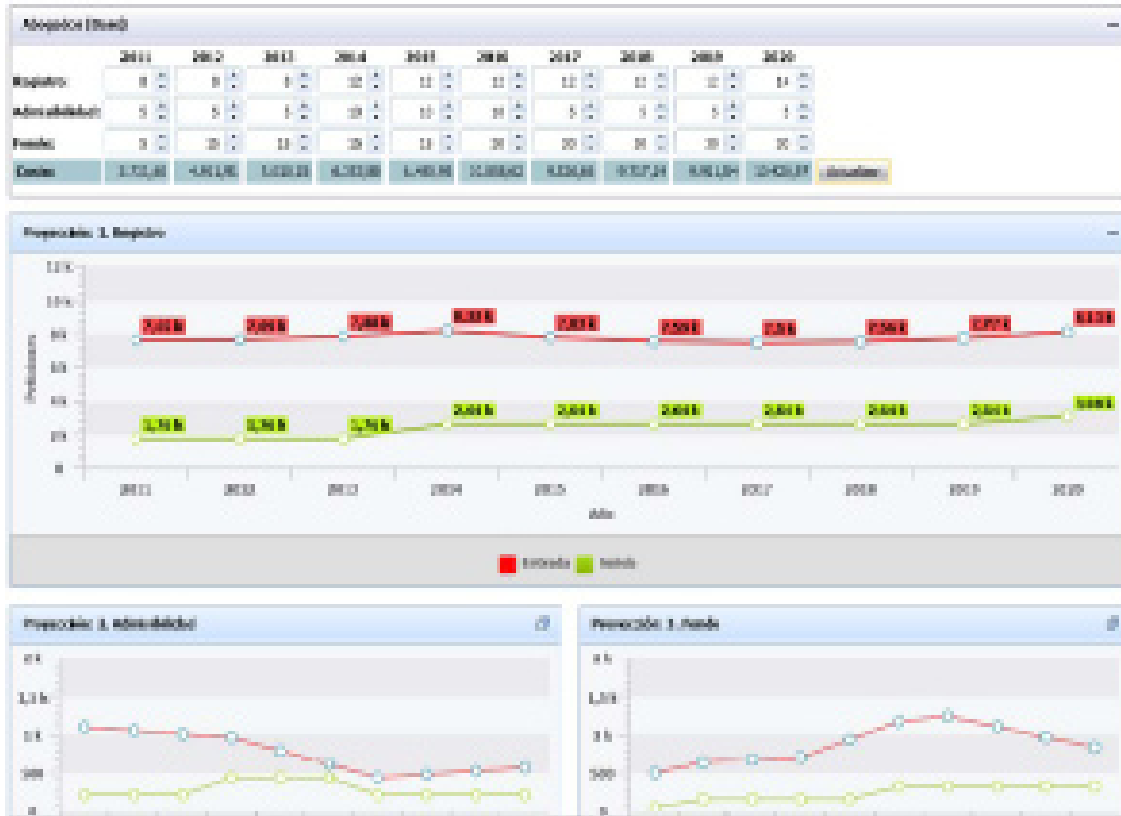
The results of the strategic plan, as outline re indicators, are possible following the implementation of these assumptions:

1. The elements outlined in the strategic plan are possible (at the highest level) if and only if the conditions with respect to funding are also met.

In the planning system of the IACHR, the following graph expresses the situation of balance that, within the life cycle of the strategic plan, will be generated by the allocation of the resources required. By the end of 2015, the backlog (red line) will be reduced to a minimum, and the amount of petitions which need to be evaluated will be matched with the capacity of evaluation at the IACHR Executive Secretariat (green line). Further, in the stages of admissibility and merits, equilibrium can be reached in 2017 and 2020, respectively.



In contrast, if resources at IACHR do not increase in the next two or three years, the divide between the needs of the case and petition system and the capacity of the IACHR will be, not only larger, but more difficult to address. The following graph expresses the situation created if the capacity of legal evaluation at the Executive Secretariat is only increased by 20% over the next two years, and then later by 50%. Over the next ten years, a backlog of more than 8,000 petitions will be created (red line), and the petitions reviewed every year (green line) will not even cover a third of the backlog. As a result, the period that petitions will await evaluation will increase every year. Consequently, a very reduced number of petitions will progress to the stages of admissibility and merits (see lower graphs) and fewer persons will receive answers to their claims.



Finally, should the allocation of resources to the IACHR remain as it is today, over the next 10 years the Secretariat will retain its capacity to carry out approximately 1,500 legal evaluations every year (green line), and a backlog of nearly 15,000 petitions will be created (red line). While fewer matters will require an admissibility report (lower left graph), the capacity of the Commission to issue merits reports will remain at approximately 50 reports per year. Over the next 10 years, a backlog of more than 1,500 matters will be created in the merits phase (lower right graph). Unfortunately under this scenario, all the stakeholders and the Commission will have presided over the effective collapse of the Petition and Case System.



2. The IACHR acknowledges that, to work to its optimal level, its RBM system needs to interface with that of the OAS. Thus, for example, successful tracking of the IACHR’s Strategic Plan’s goals and objectives (as described by Plan’s indicators) will be enhanced by the cooperation and facilitation of OAS processes, i.e., POA, PES, as well as inter-face with the OAS RBM system and responsible staff.

3. It is understood that, given the fact that there is less than 5 months to the end of 2011, the new system is understood to be in a “phase-in” process. Thus, there should not be expectations that the full arrange of indicators will be tracking within its first year. Rather, the IACHR will work to identify (from its 81 indicators) a group of indicators that can be tracked within the 1st phase, the 2nd phase (i.e., 2012) and so on until the entire system of indicators are being tracked. It is further understood that the new baseline for future results will be the year 2011. This however will be contextualized with the proviso that progress toward results requires mutual accountability, i.e., namely, the commission requires the support in terms of financial and human resources as outline in the dashboard scenarios.

4. It is also understood that, in the interest of maximizing efficiency and effectiveness, working with this new system will necessitate the training of staff at the IACHR. This training will mainly target senior management and frontline staff that are: a) responsible for the overall results of the commission; and, b) responsible for the collection of data for results based reporting. However, RBM and Outcome Mapping can enhance the work of all those at the commission and thus, to the extent possible, all staff should be trained. In this training

process, inter-face with the OAS should be built into the process from the beginning. Therefore, a possible model would be to establish a joint-training protocol with the OAS.

5. Ideally, a basket fund needs to be set-up to assist the commission with its funding for the programmes outline in the strategic plan as well as for their monitoring and evaluation. In addition, a model that takes into account the need for refresher trainings and for synchronization with OAS (while maintaining the independence of commission will be critical, not just for the tracking of results but to help with the harmonization and standardization of reporting. This will reduce the reporting burden for the commission, and is in line with the Paris Declaration on Aid Effectiveness which was signed by the DAC donors.
6. Finally, the OAS and some of the donors have asked questions about efficiency vs. effectiveness. Some of these questions have been raised internally by the Secretariat as well. For these reasons it might be helpful to provide the commission with funds (as some donors suggested) to execute a pilot that will evaluate current internal processes and protocols and look for opportunities to enhance these without jeopardizing the valued relationships and cooperative work at the commission, indeed these should be enhanced.

1. Background on M&E, RBM and Outcome Mapping

1.1.- The Rationale for Results Based Management

M&E systems are important management tools which allow managers to track performance. Specifically, monitoring is the routine tracking of the key elements of program or project performance whereas evaluation is the assessment of the change in the targeted results that has been influenced by the program, project or organization. Stakeholders want M&E to demonstrate attribution but usually contribution is what can be demonstrated since in many situations, especially related to human rights, many inputs influence the results.

For the past 15 years, there has been pressure on governments and organizations around the world, including on the OAS and the IACHR, to show greater transparency and accountability to taxpayers for their use of publicly funded resources. Specifically, there has been increasing pressure for organizations to show how their financial inputs have supported activities which have led to substantive short and long term results for their target beneficiaries.

This pressure resulted in organizations seeking ways to measure performance towards achieving results. In particular, in the late 1990's, bilateral donors, the World Bank, UNDP and others all began to use Results Based Management (RBM). This signaled a significant shift in focus for organizations managing public funds and carrying out official development assistance including work by human rights organizations and commissions worldwide.

In the 1990's this change was outlined by the OECD in its seminal work *Shaping the 21st Century: The Contribution of Development Co-operation* where they stated:

“We have a duty to state clearly the results we expect and how we think they can be achieved. It is time to select, taking account of the many targets discussed and agreed at international fora, a limited number of indicators of success by which our efforts can be judged.” (OECD 1996, pp.2)

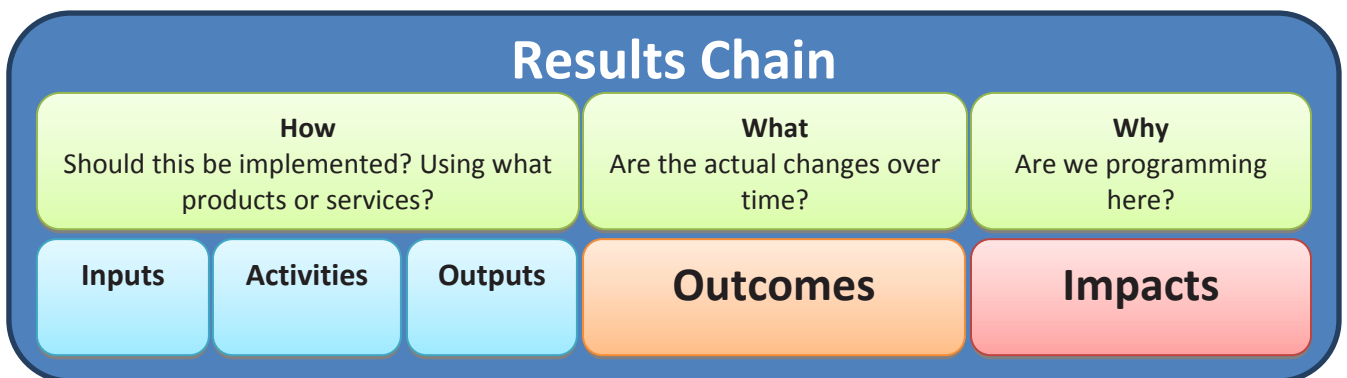
This move to use RBM, and the development of the MDGs, provide a practical, action-oriented method of improving the quality of program delivery using a set of indicators and targets to monitor progress and evaluate performance. RBM brought value-added to the planning of programs and projects. Combined with inclusive participatory approaches, it has brought stakeholders together to craft a common vision of what investments of time and money are achieving, especially in terms of expected outcomes for beneficiaries.

By clarifying performance expectations, risks and roles and responsibilities to the satisfaction of all stakeholders at the outset, a common vision and purpose can be developed which minimizes potential misunderstandings during implementation. In this way, RBM has reinforced the value of partnerships in achieving results. In addition, this has led to the use of results-based systems which include internal checks and balances on disbursements, activity implementation schedules, output production and tracking of progress towards outcomes.

1.2.- RBM Concepts and Terminology

A result can be defined as a ‘describable or measurable change in state that is derived from a cause-and-effect relationship’. What this means in international development, and specifically in human rights, is that the results show a contribution to a change in state. For example, IACHR needs to be able to demonstrate that its work contributes to change for people, institutions, and laws through their work in the 3 Pillars – Individual Petition System, Monitoring of human rights situation in countries and in the thematic areas.

This theory of change is usually portrayed with the so-called “results chain.”



So in summary, these concepts can be defined as follows:

Inputs are financial, human, material and information resources used to produce the outputs through activities which will accomplish results i.e. **The time of the Commissioners and lawyers;**

Activities are actions taken or work performed through which inputs are mobilized to produce outputs i.e. **Commissioners approving case reports, lawyers evaluating petitions or Commissioners approving mission reports;**

Outputs are the direct products or services stemming from activities of the organization, policy, program or initiative i.e. **Merits Reports, Country Reports, Thematic Reports;**

Outcomes are changes occurring primarily as a result of outputs i.e. **Setting legal precedents that influence countries; recommendations to states leading to revising or creating laws; demonstrated improvements in human rights for beneficiaries.**

Impacts are substantive changes that are sustainable and achieve the overarching purpose of the organization i.e. **Legislative, judicial or administrative measures that are adopted by States in accordance with their constitutional processes, human rights obligations and upon the recommendations of the IACHR.**

1.3.- RBM Principles

The above framework is used by OECD-DAC and by many international organizations so its use by IACHR will contribute greatly to creating a monitoring and evaluation system which can “present one unified report to different donors and agencies”¹ and other stakeholders.

A key component of the RBM approach is performance monitoring. When results-based performance monitoring is used continuously during implementation, it empowers managers and stakeholders with ‘real time’ information about use of resources, extent of reach and achievement of change for the target groups. The performance demonstrates progress along the results chain and identifies strengths and weaknesses which can help identify corrective actions which can be taken to improve results.

Other concepts are also important for RBM such as development of a working partnership among all stakeholders. This partnership is being demonstrated at IACHR through its work with OAS national governments, other governments, regional CSOs i.e. CEJIL and national CSOs. The RBM system helps the organization to improve its accountability and transparency in financial administration and its ability to be realistic and flexible in planning and implementation. Use of RBM can also help the people in an organization link results with the amount of work being done which would be of great benefit at IACHR where most staff are very overtaxed by their heavy workloads as was observed by the consultants during their two weeks of work at the IACHR office in Washington, D.C.

For a Monitoring and Evaluation system to be introduced and used, the staff must buy into it and be enthusiastic about its utility. They need to see that using this system will increase their knowledge about their effectiveness while at the same time not increase their workloads. The heavy workload issue for staff is very evident at IACHR and will be addressed in the Challenges section of this report.

With RBM, simplicity is important. This needs to be reflected in the use of indicators to measure the change that is being created by the organization. According to OECD/DAC, an indicator is “A quantitative or qualitative factor or variable that provides a simple and reliable means to

¹ As quoted from the consultants TORS.

measure achievement, to reflect changes connected to an intervention, or to help assess the performance of a development actor” (DAC Glossary of Key Terms in Evaluation, May, 2002).

Indicators also need to be SMART (Specific, Measureable, Achievable, Relevant and Timely). Within Section 4.0 of this Part III, a set of draft output level indicators are included. As noted in the recommendations section, they need to be continuously used, reported on and revised which will require that someone be hired with primary responsibility to carry out this role. In addition, use of this system will require training of that person and the staff who will use the system.

Finally, an RBM based system can be augmented through use of a more recent approach called Outcome Mapping. A comparison of the two approaches is:

| Logic Model | Outcome Mapping |
|---|---|
| <ul style="list-style-type: none"> • Expected results are aligned with activities in a cause-effect chain. Activities produce outputs (goods and services) resulting in outcomes & impacts. • Performance measurement is guided by indicators for monitoring different levels of results. Plans and measures against predetermined targets of these indicators to determine success. • Keeps the greatest number of variables possible under control, to attribute the identified results and changes to program’s actions. • Data collection and analysis is used for upward accountability, improving program decision-making and managing risks. | <ul style="list-style-type: none"> • Results are defined as the changes in the behaviour of the people with whom the program works directly. • Uses progress markers as points of reference to motivate reflection and learning, and to represent changes in working with boundary partners. • Recognizes that contributions come from multiple factors and actors. • Balances learning and multiple accountabilities, by identifying the use of M&E data and by employing participatory and use-oriented approaches to PM&E. |

1.4.- Outcome Mapping Principles and Utilization-Focused Evaluation

Outcome mapping focuses on outcomes which “are defined as changes in the behaviour, relationships, activities or actions of the people, groups and organization.”² It focuses on key partners with which an organization works which, in Outcome Mapping terms, are called ‘boundary partners’. These are “individuals, groups and organizations” with which the program interacts directly and can anticipate opportunities for influence. For IACHR, this is an important concept since the ultimate goal of IACHR is to influence others – legislatures, judiciaries, public policy etc. which are IACHR’s ‘boundary partners.’ Understanding this concept is important for the Commission because IACHR’s work involves many stakeholders who are contributing but not

² Outcome Mapping by Sarah Earl, Fred Carden and Terry Smutylo, IDRC, Ottawa, 2001

in a simple cause and effect manner. Rather IACHR works with its partners to ‘contribute’ to change and achieve impact in terms of implementation of legislative, judicial and administrative measures.

Therefore it is important that the measurement of IACHR’s effectiveness focus on how its work contributes to achievement of these longer term impacts through their work with their ‘boundary partners’. Therefore use of outcome mapping involves bringing key stakeholders together to agree on how the effectiveness of their work together should be measured and by whom. Outcome mapping also uses the term ‘progress markers’ to track progress towards results.

One other recent approach which is also helpful is Utilization-Focused Evaluation created by Michael Quinn Patton. This approach is based on the premise that the utility of evaluations and M & E systems should be a collaborative effort with all users. This means that primary users agree on the intended use of the M & E system rather than having it imposed on them.

Notwithstanding the heavy workload at IACHR, the legal teams need to understand and be involved in creating the system that seeks to evaluate the results of their work. The principle is that intended users of a system are more likely to contribute to its functioning if they understand and feel ownership of the system which is more likely if they are involved in creating the system.

To this end, in developing Part III of the Strategic Plan, the consultants met with all of the legal teams at IACHR in their teams and gained an appreciation of their perspectives and the challenges they face. The next step is for the teams to review the model proposed and receive training on how the M & E system can be implemented in a way that doesn’t increase their workload but rather is integrated into their present work. As will be evident in Section 7 on Conclusions and Recommendations, that system will include a focus on RBM augmented by involvement of all key boundary partners (Outcome Mapping) and a focus on ensuring user involvement in designing and using the system (Utilization-Focused Evaluation).

To make this system work smoothly, Part III also proposes I (ACHR hire an internal Monitoring and Evaluation Officer to shepherd this process forward and continuously collect, analyze and report on the results that are gathered. Since countries (OAS and others) are key boundary partners, and will be involved integrally in this system, there is substantial likelihood that some of them will support the additional costs of putting this M & E officer in place within IACHR.

1.5.- Synchronization to OAS Planning instruments and processes

The column to the left describes the level of the IACHR Strategic Plan. The column to the right describes main OAS Planning instruments and processes (others will be added in coordination with OAS technical offices).

| IACHR Strategic Plan | OAS instruments or processes |
|---|--|
| Mandate (Vision and Mission) Programmes | Inter-American Convention on Human Rights Thematic Conventions and Protocols IACHR Statute General Assembly Resolutions |
| Plans of Action and Outputs (1 year) | Annual Operative Plan of the OAS General Secretariat (P.O.A.) |
| Performance Measurement Framework Indicators at output level | Performance Evaluation System of the OAS General Secretariat (P.E.S.) |
| Budget | Budget |
| Annual Report (RBM based) | General Assembly |

2.- INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) Logic Model

Mandate: The principal function of IACHR is to promote the observance and protection of human rights in the Americas and to serve as consultative organ of the OAS in these matters.

STRATEGIC AND PROGRAMME LEVEL

| PROGRAMMES & ACTIVITIES | OUTPUTS (Each Year) | OUTCOMES (5-10 yrs) | IMPACTS (+ 10 yrs) |
|---|---|--|---|
| <p>1. Individual Petition System including cases and measures of protection</p> <p>Initial Review</p> <ul style="list-style-type: none"> • Registration • Evaluation <p>Admissibility</p> <p>Merits</p> <ul style="list-style-type: none"> • Friendly Settlement <p>Compliance</p> <ul style="list-style-type: none"> • Litigation before the Court <p>Precautionary measures</p> <p>(\$% of Total Disbursed)</p> <p>2. Monitoring of Country Situations - Holding of country hearings, working visits of Country Rapporteurs, in loco visits and in country reports (\$ /% of Total Disbursed)</p> <p>3. Thematic Areas (Rapporteurs) for 8 target groups which carry out: thematic hearings, thematic reports, thematic studies, case support and working visits by theme.</p> <p>(\$ /% of Total Disbursed)</p> <p>Activities to support the three pillars: Political and Legal Direction, Communication and public information, and Organizational development (including planning, capacity building, training and developing the monitoring and evaluation system).</p> | <p>Individual Petition System (results generated through review of cases and reduction in backlog)</p> <p>Initial Review</p> <ul style="list-style-type: none"> • Registration of petitions • Initial legal evaluation of petitions <p>Admissibility Reports and case management</p> <p>Merits reports and case management</p> <ul style="list-style-type: none"> • Friendly Settlement and case management <p>Compliance</p> <ul style="list-style-type: none"> • Followup of recommendations • Decisions on Precautionary measures <p>Monitoring Country Situations – results which protect human rights from conducting country hearings, making working visits to countries, and in loco visits to States and documented in country reports on OAS States.</p> <p>Thematic Areas protecting rights of groups that have been historically discriminated against (including indigenous peoples, women, migrant workers, children, persons deprived of liberty, Afro-descendants, human rights defenders, freedom of expression and emerging areas – GLBT, resulting in hearing results, reports on themes, and case reports all of which promote and/or protest the rights of the target thematic areas</p> | <p>Precedent setting cases which are instrumental in influencing countries to amend, adapt or create laws, public policy or jurisprudence to benefit persons within their jurisdiction (the beneficiaries).</p> <p>Recommendations to States to revise or create laws, public policy and jurisprudence which improves the level of compliance with human rights obligations.</p> | <p>Individual Reparations (Determination and Acknowledgement of Responsibility, Apology, Disclosure, Commemoration, and Compensation)</p> <p>Systemic Change (Legislative, Judicial and Administrative Measures - i.e. Public Policy)</p> <p>Conformity of State actions with international human rights obligations. IACHR cooperates with other regional mechanisms i.e., EU, African Union, ASEAN and the UN to enhance compliance with international human rights laws and standards.</p> |

LEVEL OF PROGRAMMES AND PLANS OF ACTION

| PLANS OF ACTION | OUTPUTS (1 year) | OUTCOMES (5-10 yrs) | IMPACTS (+ 10 yrs) |
|--|---|--|---|
| <p>1. Political and Legal Direction</p> | | | |
| <p>1.1 Strengthened Monitoring and Performance based monitoring & planning by gathering and analyzing data included in the new Performance Measurement Framework.</p> | <p>1.1 Strategy and Planning 2011-2015 synchronized yearly with the OAS' budget and accounted for in Annual Report to GA.</p> | <p>Increased capacity to manage the protection and promotion of human rights, managing by results and in an accountable and transparent manner that answers to the legitimate needs of all stakeholders</p> <p>IACHR cooperates with other regional mechanisms and UN system</p> | <p>Improved judicial practices and legal services in support of human rights in cooperation with the Inter-American Court for Human Rights.</p> <p>Increased transparency and accountability in the Americas to uphold the rule of law and protect human rights of all people including those who are traditionally discriminated against and/or excluded.</p> <p>Judges and lawyers use the jurisprudence developed in the Inter-American system within national courts including the reopening of cases.</p> <p>OAS governments are willing to enable/improve human rights, rule of law practices and civil society participation and protection and the peoples of the Americas know and demand their rights</p> |
| <p>1.2 A system which provides advisory services to the OAS and its Member States</p> | <p>1.2. Advice provided by IACHR to States, Political Organs of the OAS, and other OAS entities.</p> | | |
| <p>1.23 A coordination and communication system which includes regularly scheduled multi-stakeholder meetings involving all key regional stakeholders dedicated to HRs Rights in the region (CSOs, and donors). The system should also link with related international organizations and other regional HRs systems.</p> | <p>1.3. IACHR collaboration with CSOs, and regional and international institutions dedicated to HRs</p> | <p>Increased awareness by governments of human rights violations i.e. as seen in reparations measures.</p> | |
| <p>1.4 A system which includes: newly designed informational brochures; digests of landmark cases and precautionary measures, accessible archives of cases; and guidelines for emerging research initiatives.</p> | <p>1.4. Standards, manuals, studies and protocols for IACHR</p> | | |

2. Individual Petition System (see PMF in Annex)

The individual petition system encompasses all the procedures created by Inter-American instruments for the protection of human rights:

- petitions and cases,
- measures of protection,
- information requests under Article 41 of the American Convention, and
- the procedures under Article XIV of the Inter-American Convention on Forced Disappearance of Persons

| | | | |
|----------------------------------|---|--|--|
| 2.1 Initial Study | 2.1 Registration and legal evaluations (initial) of petitions | Increased victim's access to the IACHR as the individual petition system processes and procedures runs at optimal efficiency (i.e. response within 3 years of receiving petitions) | Demonstrated increased compliance and accountability with respect to IACHR decisions and recommendations States have implemented measures of non-repetition recommended by the Commission in the fields of public policy, legislation and access to justice Judges and lawyers use the jurisprudence developed in the Inter-American system within national courts including the reopening of cases. |
| 2.2 Admissibility | 2.2 Admissibility Reports and Case Management | | |
| 2.3 Merits | 2.3 Merits Reports and Case Management | | |
| 2.4 Friendly settlement | 2.4 Friendly Settlement Reports and Case Management | | |
| 2.5 Compliance | 2.5 Follow up of recommendations | | |
| 2.6 Court | 2.6 Activities related to the Court | | |
| 2.7 Precautionary measures | 2.7 Decisions on Precautionary Measures | | |
| 2.8 Other measures of protection | 2.8 Decisions on other measures of protection | | |

| | | | |
|---|---|--|---|
| 3. Monitoring of Country Situations | | | |
| 3.1 Holding of country and regional hearings | 3.1. 20 Country hearings per year. Total of 100 country or regional hearings (2011-2015) | Improved understanding of the human rights situation in the Member States of the OAS and increased capacity of the IACHR to take actions to respond to the needs in the field. | |
| 3.2. Working visits by the country rapporteurs | 3.2. Seven visits to the countries (one visit per Commissioner each year), for a total of 35 working visits to states by the country rapporteurs | | |
| 3.3 <i>In loco</i> visits | 3.3. Two <i>in loco</i> visits to states each year, for a total of ten <i>in loco</i> visits in the period from 2011-2015. | | |
| 3.4 Country reports | 3.4. Two country reports each year on states in this hemisphere, for a total of ten country reports in the period from 2011 through 2015. | | |
| | | | |
| 4. Thematic Areas | | | |
| <ul style="list-style-type: none"> • Rights of indigenous peoples; • Rights of women; • Rights of migrant workers and their families; • Rights of the child; • Rights of persons deprived of liberty; • Rights of Afro-descendants. | <p>Number and quality of completed results</p> <p>4.1. Thematic hearings 4.2. Thematic reports 4.3. Thematic studies 4.4. Case support 4.5. Working visits by theme 4.6. Emerging thematic issues</p> | Demonstrated improvements in the promotion and protection of human rights in the 8 identified thematic areas, i.e., (Indigenous Peoples, women, migrant workers, children, persons deprived of liberty, Afro descendants, human rights defenders, and emerging areas of GLBT (gay, lesbian, bisexual, transsexual) benefitting a wide variety of ultimate beneficiaries. | Increased respect of the rights of groups historically subjected to discrimination through public policy, legislation and access to justice Persons of groups historically subjected to discrimination are empowered to defend their rights Inter-American society are aware of the problematic faced by groups historically subjected to discrimination, and this problematic is visible |

| | | | | |
|--|--|--|---|---|
| <p>5. Special thematic Area – Freedom of Expression</p> | <ul style="list-style-type: none"> • Access to justice (through court and friendly settlements) • Harmonizing domestic standards to those of the IAHRs • Promoting knowledge and better understanding of IAHRs • Recommendations and Annual report on the situation of freedom of expression in the Americas | <p>5.1. Litigation on Cases: report on admissibility and reports on merits</p> <p>5.2 Number of Academic visits to member countries including training seminars on freedom of expression</p> <p>5.3 Preparation/ publication a set of materials for training activities</p> <p>5.4 Number of journalist and members from civil society organizations and public officials trained</p> <p>5.5 Updating and modification of the website of IACHR</p> <p>5.6 Thematic studies conducted with recommendations and proposals for harmonizing domestic laws with the Inter-American System on Freedom of Expression (a study per year)</p> <p>5.7 A Report drafted over the situation of the right to freedom of expression (a report per year)</p> | <p>Demonstrated improvements in the promotion and protection of the right to freedom of expression and journalist and others.</p> | <p>Increased transparency and accountability in the Americas to uphold the right to freedom of expression.</p> <p>Judges and lawyers use the jurisprudence developed in the Inter-American system within national courts in relation to freedom of expression.</p> <p>Increased the respect of the right to freedom of expression in the Americas.</p> <p>Reduction of violation actions of the right to freedom of expression of journalists and mass media. In the Americas.</p> <p>Improvement of the national legal frameworks regarding to freedom of expression in member states according to the Inter-American Standards.</p> <p>Better contribution to reduce the impunity and violence of crimes against journalists.</p> |
|--|--|--|---|---|

| | | | |
|---|--|--|---|
| <p>6. Other Promotion Activities</p> | | | <p>Increased awareness by governments of human rights violations</p> <p>Through the Inter-American System's cadre of trained lawyers and human rights defenders, the human rights of persons in the Americas are protected and the people empowered. IACHR cooperates with other regional mechanisms and the UN system.</p> |
| <p>6.1. Increased acceptance of Universal system for Human Rights</p> | <p>Increased observance of human rights, knowledge of the system, and universal acceptance of the regional instruments on the subject of human rights, among member Countries, the OAS and the persons of the Americas</p> | <p>6.1. Increased acceptance of Universal system for Human Rights</p> | <p>Increased utilization and widely quoted references to the Commission's work and publications by member countries, regional organizations, CSOs and the UN, which helps instil greater knowledge of human rights in the Americas.</p> |
| <p>6.2. Establish a platform for participation in the various academic events on human rights</p> | <p>6.2. External training creates a platform for participation in academic events on human rights</p> | <p>6.2. External training creates a platform for participation in academic events on human rights</p> | <p>A critical mass of people in the Americas are knowledgeable about the work of the IACHR and able to utilize it to defend and protect human rights in the region for most people including the most vulnerable.</p> |
| <p>6.3. Yearly training of lawyers and law students, educates such persons with the ideas they use and share within the IAHR in the countries of the Americas</p> | <p>6.3. Internal training creates a cadre of lawyers and educates law students and other experts on the IAHR</p> | <p>6.3. Internal training creates a cadre of lawyers and educates law students and other experts on the IAHR</p> | |
| <p>7. Public Information</p> | | | |
| <p>7.1. Commission's decisions are translated into plain language, understandable to a general public. Summaries of the precautionary measures granted will be drafted and published.</p> | <p>7.1. Relations with the media and journalists</p> | <p>7.1. Relations with the media and journalists</p> | |
| <p>7.2. Press campaigns designed and conducted e.g., the sessions the IACHR holds in D.C. Public hearings, press releases are issued at the end of a session</p> | <p>7.2. Development and implementation of campaigns</p> | <p>7.2. Development and implementation of campaigns</p> | |
| <p>7.3. IACHR and the electronic media</p> | <p>7.3. IACHR and the electronic media</p> | <p>7.3. IACHR and the electronic media</p> | |

| | | | |
|--|---|--|--|
| <p>8. Institutional Development:</p> | | | |
| <p>Administration, Human Resources, Finance, Systems</p> | <p>8.1 Organizational Development builds improves:</p> <ul style="list-style-type: none"> • Administration • Finances • Systems • Documentation | <p>The IACHR has procured sufficient resources and had developed administrative, IT and document systems which enable it to discharge its mandate efficiently and effectively.</p> | <p>IACHR is able to discharge its mandate fully to address a very high percentage of human rights violations in the Americas and have an influence on other regions and international organizations.</p> |

3. Performance Measurement Framework (PMF) ACTIVITY LEVEL

This level links up with the OAS Performance Evaluation System (P.E.S.) and the OAS Operative Annual Plan (P.O.A.)

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|--|---|----------------------|-------------------------|---------------|---------------------|
| 1.- Political and Legal Direction | | | | | | | |
| 1.1 Coverage of the IACHR Strategic Plan - Proportion of OAS funding - Proportion of non-OAS funding | 100% 100% 0% | OAS Budget IACHR Annual Report, and IACHR Strategic Plan | Comparative review of the three documents | Annually | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 1.2 Advice, coordination and information provided to States and OAS Political Organs and other OAS entities (Number of interactions by IACHR) | 33 Resolutions with advise from IACHR | Requests from Committee (correspondence, email) | Tracking of events | Ongoing | Quarterly (E.S. Report) | Coordinator | Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|--|---|----------------------|-------------------------|---------------|---------------------|
| 1.3 IACHR Collaboration – Compared with present baseline ¹ , increased number of collaborative events with NHRI's, CSOs and regional and international institutions (IIDH, UN High Commissioners) | Number of events (12/commissioner, 12/Secretary) | IACHR Group Calendar | Tracking of events | Ongoing | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 1.4.a Number of Policy consultations and directives at inter-institutional level (i.e. Commission, Board, Executive Secretary) | 12 policy consultations | Executive Secretary Report to the Commission; Records of the Office of Documents | Tracking of events | | | | |
| 1.4.b Number of manuals, guidelines and protocols. | 2 manuals | Internal Directives (manuals, guidelines and protocols) and Web-page (promotional materials) | Listing of materials available and/or distributed | Ongoing | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 1.4.c. Number of promotional materials published. | 3 promotional materials | | | | | | |

¹ To produce baseline data for this indicator and the entire strategic plan, the M & E System will be phased in during 2011 and 2012. IACHR will identify which indicators will be possible to measure in 2011 and will collect and analyse that data as a pilot. Then, full implementation will take place in 2012 when data on all indicators will be collected and analyzed. This will complete the baseline data collection. In addition, the section of the Appendix in which the Dashboard is described in terms of 3 scenarios consisting of variable inputs (i.e., in financial and/or human resources etc.). In turn, these variables are linked to changes in productivity with respect (especially) to addressing the backlog of petitions.

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|-------------|------------------------|----------------------|---------------------|---------------|---------------------|
| 2.- Individual Petition System | | | | | | | |
| 2.1. Registration and initial evaluation | | | | | | | |
| 2.1.a. Average time lapse between reception, registration and pre-screening of petition | 15 days | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.b. Average time lapse between reception and acknowledgement of receipt of petition | 15 days | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.c. Number of evaluations made as a result of <i>per saltum</i> and proportion evaluated within the target timeframe | 150 petitions | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.d. Average number of petitions evaluated per legal officer, per month. | 27,5 | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.e. Proportion of evaluations carried out, per country. | 100% of previous 9 months | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.f. Number of evaluations carried out by issue: freedom of expression; indigenous peoples; afro-descendants; gender and women; persons in custody; children; migrant workers; and human rights defenders. | 100% of previous 9 months within each issue | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|-------------|------------------------|----------------------|---------------------|---------------------|----------------------------|
| 2.1.g. Average time lapse between reception of petition and issuance of first response to petitioner | 3 months | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.1.h. Average time consumption per evaluation. | 4 hours | DMS, PCMS | System report | Ongoing | Monthly | Registry OFC | Executive Secretary |
| 2.2. Admissibility | | | | | | | |
| 2.2.a. Average lapse between transmission to State and issuance of the admissibility report | 12 months | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.2.b. Total number of reports on admissibility - divided by country - divided by thematic issue | 220 Reports | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.2.c. Number of hearings and working meetings | 10 per year | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.2.d. Total Number of files at the admissibility stage per Regional Section, at the end of the year | 220 | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.2.e. Total number of actions (i.e. emails, letters, calls, etc.) of correspondence handled per Regional Section at the end of the year | 1600 | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|--------------------|------------------------|----------------------|---------------------|---------------------|----------------------------|
| 2.3. Merits | | | | | | | |
| 2.3.a. Average time lapse between declaration of admissibility and issuance of the Merits report | 12 months | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.3.b. Total number of reports on the Merits - divided by country - divided by thematic issue | 55 per year | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.3.c. Number of hearings and working meetings per month. | 90 per year | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.3.d. Total number of files at the merits stage per regional section, at the end of the year | 100 | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.3.e. Total number of actions of correspondence handled per Regional Section at the end of the year | 900 | DMS, PCMS | System report | Ongoing | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.4. Friendly Settlement | | | | | | | |
| 2.4.a. Number of friendly settlement processes entered as a result of IACHR policy direction | 96 | Specific reporting | Review of reports | Annually | Monthly | Section Coordinator | Deputy Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|---|--|----------------------|-------------------------|---------------------|----------------------------|
| 2.4.b. Number of IACHR officers trained in FS skills | 100% | Training records | Review of training records | Annually | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.4.c. Diagnostic of past and current use of FS procedures within the IACHR. | (1) Done / not done | Survey of questionnaires of relevant organizations and states | Records of answers of surveys and technical meetings | Once | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.4.d. Number of settlements per year. | 22 | IACHR records | Review of records | Annually | Monthly | Section Coordinator | Deputy Executive Secretary |
| 2.5. Follow up of compliance | | | | | | | |
| 2.5.a. Compliance matrix of recommendations - Full compliance - Partial compliance - Compliance pending | 1 Done / Not done | IACHR records | Review of records | Ongoing | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |
| 2.5.b. Number of cases monitored per year | 414 | IACHR records | Review of records | Ongoing | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |
| 2.6. Activities concerning the Court | | | | | | | |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|---|------------------------|-------------------------|-------------------------|------------------------|----------------------------|
| 2.6.a. Number of cases active before the Court | 200 | PCMS, DMS | Review of cases | Ongoing | Quarterly (E.S. Report) | CG Coordinator | Deputy Executive Secretary |
| 2.6.b. Number of court hearings per year. | 50 (100% covered) | PCMS, DMS | Review of records | Ongoing | Quarterly (E.S. Report) | CG Coordinator | Deputy Executive Secretary |
| 2.6.c. Number of incoming correspondence handled in relation to Court cases | 2400 | PCMS, DMS | Review of records | Ongoing | Quarterly (E.S. Report) | CG Coordinator | Deputy Executive Secretary |
| 2.7. Precautionary Measures | | | | | | | |
| 2.7.a. Number of requests of precautionary measures - per year - per country - per thematic issue - connected to petitions | 500 | PCMS, DMS; previous to 2011, IACHR's Annual Reports | System report | Ongoing | Quarterly (E.S. Report) | Protection Coordinator | Deputy Executive Secretary |
| 2.7.b. Number of evaluations of requests of precautionary measures - per year - per country - per thematic issue - connected to petitions | 750 | PCMS, DMS | System report | Quarterly (E.S. Report) | Quarterly (E.S. Report) | Protection Coordinator | Deputy Executive Secretary |
| 2.7.c. Number of follow up monitoring visits, hearings and working meetings.. | 4 follow up 40 working meetings | Protection Group Records | System report | Quarterly (E.S. Report) | Quarterly (E.S. Report) | Protection Coordinator | Deputy Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|----------------------|---------------------------------------|-------------------------|-------------------------|------------------------|----------------------------|
| 2.7.d. Average time lapse between reception and first answer to petitioner of receipt of request | 8 days | DMS, PCMS | System report | Quarterly (E.S. Report) | Quarterly (E.S. Report) | Protection Coordinator | Deputy Executive Secretary |
| 2.7.e. Number of communications handled per year | 5000 incomings | PCMS, DMS | System report | Quarterly (E.S. Report) | Annually | Protection Coordinator | Deputy Executive Secretary |
| 2.8. Other measures of protection | | | | | | | |
| 2.8.a. Number of Article 41 Information requests. | 36 (3/month) | IACHR records | Review of records | Ongoing | Annually | Section Coordinator | Deputy Executive Secretary |
| 2.8.b. Number of Article XIV information requests. | 36 (3/month) | DMS, PCMS | System report | Quarterly (E.S. Report) | Quarterly (E.S. Report) | Protection Coordinator | Deputy Executive Secretary |
| 3.- Monitoring of Country Situations | | | | | | | |
| 3.1. Number of country hearings per year | 20 | IACHR Group Calendar | Verification that hearings took place | Following each hearing | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |
| 3.2. Number of visits to the countries | 7 | IACHR Group Calendar | Verification that visits took place | Following each visit | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|----------------------------------|---|-------------------------------------|-------------------------|-------------------------------------|----------------------------|
| 3.3. Number of <i>in loco</i> visits to Member States each year | 2 | IACHR Group Calendar | Verification that visits took place | Following each visit | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |
| 3.4. Number of country reports | 2 | IACHR Group Calendar | Production of reports | Following each visit | Quarterly (E.S. Report) | Section Coordinator | Deputy Executive Secretary |
| 4.- Thematic Areas | | | | | | | |
| 4.1. Number of thematic hearings held annually and the number of thematic areas covered. | 20 | Calendar of Hearings | Tracking of hearings | Following each hearing | Quarterly (Session) | Rapporteur Coordinator | Deputy Executive Secretary |
| 4.2 Number of Thematic reports (or studies) on the Human Rights situation of traditionally excluded groups at a regional level every 18 months. | 1 | Specific reporting | Review of reports | Following completion of each report | Quarterly (Session) | Rapporteur Coordinator | Deputy Executive Secretary |
| 4.3. Working visits by theme in each of the thematic areas | 7 | Specific reporting | Review of reports | Following each visit | Quarterly (Session) | Rapporteur Coordinator | Deputy Executive Secretary |
| 5.- Freedom of Expression | | | | | | | |
| 5.1 Access to justice Number of cases on admissibility and merits litigated through the system. | 9 | Special reporting and evaluation | Review of reports and evaluation findings | Ongoing | Quarterly (Session) | Rapporteur of Freedom of expression | IACHR |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|---------------------------------|------------------------------------|----------------------------------|---------------------|-------------------------------------|--------------|
| 5.2 Thematic studies conducted with recommendations and proposals for harmonizing domestic laws with the Inter-American System on Freedom of Expression (the study for the period are: access to information; pluralism and diversity; criminal law and LE; censorship; security and impunity) | 1 | Specific reporting and projects | Review of reports project findings | Ongoing | Quarterly (Session) | Rapporteur of Freedom of expression | IACHR |
| 5.3. Promotion of improved knowledge and understanding of IAHRs, e.g.: <ul style="list-style-type: none"> • Preparation/ publication of training materials • Updating and modification of the website of IACHR • Number of academic visits to member countries including training seminars on freedom of expression. • Number of journalists and members from civil society organizations and public officials trained | 1 set per year On going 5 per year 200 | Specific reporting and projects | Review of reports project findings | Following events or publications | Quarterly (Session) | Rapporteur of Freedom of expression | IACHR |
| 5.4 Monitoring and recommendations <ul style="list-style-type: none"> • A Report drafted over the situation of the right to freedom of expression • Press releases issued • Letters to states issued • Number of hearings on freedom of expression | 1 30 7 10 | Specific reporting and projects | Review of reports project findings | Following events or hearings | Quarterly (Session) | Rapporteur of Freedom of expression | IACHR |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|--|---|----------------------|-------------------------|---------------------|--------------|
| 6.- Other Promotion Activities | | | | | | | |
| 6.1. Increased regional coverage of Inter-American human rights instruments for Human Rights through ratification of legislation and/or dialog with respect to human rights | 100% universality (all treaties) | Ratified regional instruments (per country, per instruments) | Review of ratified regional legislation Assessment of dialog with respect to the principles of Human Rights | Ongoing | Quarterly (E.S. Report) | Executive Secretary | IACHR |
| 6.2. Number of external Human Rights events in which IACHR Commissioners participate. | 12/year/Commissioner | Record of events, seminars and workshops | Review of record of events etc. | Ongoing | Quarterly (E.S. Report) | Executive Secretary | IACHR |
| 6.3. Number and quality of internal training programs for lawyers and law students on the IAHRs. | According to Training Programme | Training records | Review of training records | Ongoing | Quarterly (E.S. Report) | Executive Secretary | IACHR |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|-----------------------------------|-------------------------|----------------------|-------------------------|---------------------------|---------------------|
| 7.- Public Information | | | | | | | |
| 7.1. Requests for information formulated by media, journalists and others (NGO's, libraries, academia) received and answered | 400 | Press and Outreach Office records | Listing | Per event | Quarterly (E.S. Report) | Press & Outreach Director | Executive Secretary |
| 7.2. Analysis of media coverage of press releases (other than special campaigns) | Qualitative | Media sources | Review of media sources | Quarterly | Quarterly (E.S. Report) | Press Outreach Director | Executive Secretary |
| 7.3 Analysis of media coverage of special campaigns, including - <i>in loco</i> visits - thematic reports - sessions - country reports | Qualitative | Media sources | Review of media sources | Quarterly | Quarterly (E.S. Report) | Press Outreach Director | Executive Secretary |
| 7.4 Number of subscribers including list - facebook - twitter - other social networks | 6.000 3000 10.000 1 | Web analysis | Listing | Quarterly | Quarterly (E.S. Report) | Press Outreach Director | Executive Secretary |
| 7.4 Number of webcasts and number of hits | 40 60.000 | Google analytics | Review of records | Quarterly | Quarterly (E.S. Report) | Press Outreach Director | Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|---|------------------------|----------------------|-------------------------|---------------|---------------------|
| 8.- Institutional Development | | | | | | | |
| 8.1. Administration | | | | | | | |
| 8.1.a. Number of approved obligations, per year (regular and specific funds, all programme areas) | 950 | Oracle | Reporting | Ongoing | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.1.b. Number of individual trips planned, organized and processed (Commissioners, Staff, others) | 295 | Administrative records | Review of records | Per event | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.1.c. Number of Personnel processes executed, synchronized and classified by - recruitment - reclassification - new contracts - contract extensions | 7 (225 Applications) 12 persons 10 persons 200 persons | Administrative records and Personnel Action Requests of the OAS | Review of records | Per event | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.1.d. Number of IACHR missions planned, organized and processed | 15 | Administrative records of IACHR | Review of records | Per event | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.1.e. Ratio of timely compliance with the OAS Performance Evaluation System (PES). | 95% | P.E.S. | Report | Ongoing | Quarterly (E.S. Report) | Coordinator | Executive Secretary |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|--|---|----------------------|-------------------------|-----------------|---------------------|
| 8.1.f. Budget executed in accordance with the time limits and P.O.A. | 100% | OAS Budget | Report | Ongoing | Annual | Coordinator | Executive Secretary |
| 8.2. Finances | | | | | | | |
| 8.2.a. Coverage of the IACHR Strategic Plan (resource mobilization, reporting of activities executed and of financial resources used) | 90% | OAS Budget IACHR Annual Report, and IACHR Strategic Plan | Comparative review of the three documents | Annually | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.2.b. Number of projects proposed, implemented and follow up of their compliance. | 5 proposed 10 implemented | IACHR Administration Records | Record Review | Annually | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.2.c. Number of reports prepared for individual projects (narrative and financial) | 13 | IACHR Administration Records | Record Review | Annually | Quarterly (E.S. Report) | Coordinator | Executive Secretary |
| 8.3. Systems | | | | | | | |
| 8.3.a. Amount of usage by Commissioners through connectivity | 6 of 6 goals | IACHR Systems | List of users | Ongoing | Yearly | Systems Officer | Coordinator |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|--------------------------|----------------------------|----------------------|----------------------------|-----------------|---------------|
| 8.3.b.Amount of usage by the public of public user portal | 6 of 6 goals | Public User Portal (PPP) | Review of functionalities | Ongoing | Yearly | DOITS | Coordinator |
| 8.3.c. Number of active portal users | 90% of Individual Petition System Users (100% of estimated users with some degree of access to Internet and computers) | Public User Portal (PPP) | List of users | Ongoing | Quarterly (Report of E.S.) | Systems Officer | Coordinator |
| 8.3.d. Number of OAS Member States that use the portal | 34 (100% of OAS Member States) | Public User Portal (PPP) | List of users | Ongoing | Quarterly (Report of E.S.) | Systems Officer | Coordinator |
| 8.3.e. Number of documents processed through DMS | 100% of documents received | DMS | System report | Quarterly | Quarterly (Report of E.S.) | Systems Officer | Coordinator |
| 8.3.f. Reduction in the margin of error in PCMS | From 10% to 2% | PCMS | Data sampling and analysis | Quarterly | Quarterly (Report of E.S.) | Systems Officer | Coordinator |
| 8.4. Documents | | | | | | | |
| 8.4.a. Publication, according to quality and time standards established by the IACHR, of the Annual Report in digital format | 1 | Annual Report | Report | Annual | Annual | Section officer | Member States |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|--|--|----------------------|--|----------------------|----------------------------|-----------------|--|
| 8.4.b. Country reports published (digital and paper format), according to quality and time standards established by the IACHR | 2 | IACHR Group Calendar | Review of reports | Per event | Quarterly (Report of E.S.) | Section officer | Member States |
| 8.4.c. Number of Thematic reports (or studies) on the Human Rights situation of traditionally excluded groups at a regional level published (digital and paper format), according to quality and time standards established by the IACHR | 3 | Specific reporting | Review of reports | Per event | Quarterly (Report of E.S.) | Section Officer | Member States |
| A.- Monitoring and Evaluation | | | | | | | |
| A.1. Adoption of the Monitoring and Evaluation Plan by the ES of IACHR | Planning cycle completed | M&E Report | Consultants revise report based on feedback from IACHR | Once | July | N/A | Executive Secretary and IACHR Management |
| A.2. Official Assigning of Monitoring Responsibilities to relevant IACHR staff (ideally hiring M&E Coordinator who will report to the Project Officer) | Pending allocation of resources | Administrative order | Verification of Administrative order | N/A | N/A | M&E Coordinator | IACHR Management |

| Indicator Output Level | Ideal target (Baseline is PENDING and depends on optimum budget – for baseline, 2011 performance will be used and information gathered) | Data Source | Data Collection Method | Collection frequency | Reporting frequency | Collection by | Reporting to |
|---|--|--|---|----------------------|---------------------|-------------------|------------------|
| A.3. Trained M&E Coordinator and Project Officer (train the trainer) followed by training of IACHR staff. | Pending allocation of resources | Present training models and records | Harmonize with existing training and link with OAS training including TOT | Once with TOT | Following event | External Trainers | IACHR Management |
| A.4. Adoption of corrective measures identified in the process. | 90% | DMS, PCMS, documents, relevant staff members, partners | Collect information on indicators and review results and evaluation recommendations | Ongoing | Ongoing | M&E Coordinator | IACHR Management |

4. IACHR Group Activities Calendar (Examples only)

The screenshot displays a web-based calendar for February 2011. The calendar grid shows several events:

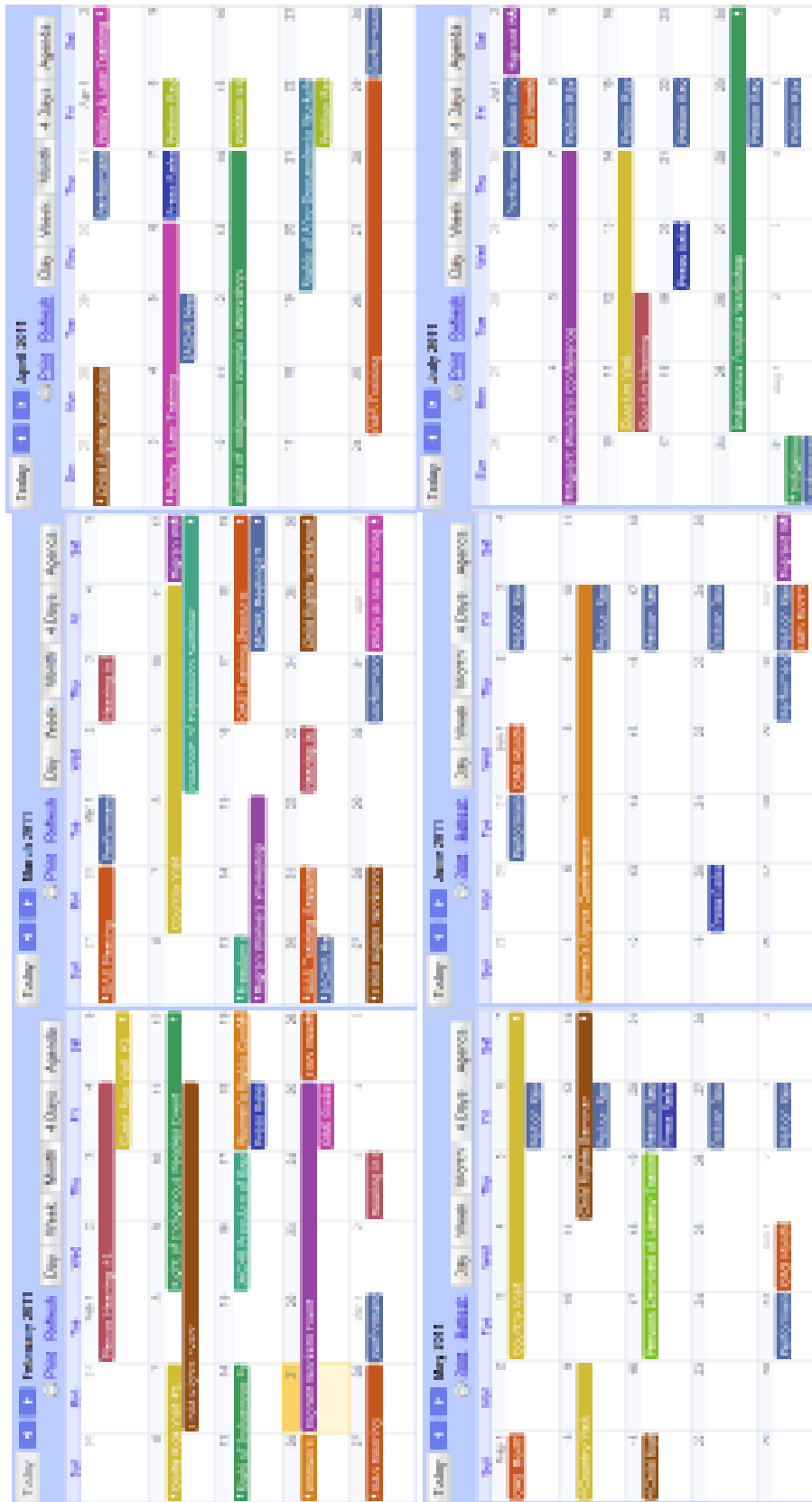
- Feb 1: Mexico Hearing 1 of 20 for 2011
- Feb 7: Costa Rica visit 1 of 7
- Feb 8: Night of Indigenous Peoples Event
- Feb 14: Child Rights Event
- Feb 14: Right of Indigenous Peoples Event
- Feb 15: In loco visita visit 1 of 2 for 2011
- Feb 16: IACHR: Freedom of Expression Seminar
- Feb 17: Women's Rights Conference
- Feb 17: Press Release
- Feb 20: Women's Rights
- Feb 21: Migrant Workers Event
- Feb 21: OAS Stakeholder Mtg
- Feb 27: OAS Hearing
- Feb 28: Performance Report
- Feb 28: Country Report 1 of 1
- Feb 29: Hearing in Mexico 2

Below the calendar, the 'My calendars' section lists various categories:

- IACHR
- Country Hearings
- Country Reports
- Country Visits
- Directors in Policy and L
- Freedom of Expression
- In loco visita Is Status
- OAS
- Persons and Cases
- Press Campaigns
- Rights of Afro-Latino
- Rights of Child
- Rights of Indigenous Peo
- Rights of Migrant Workers
- Rights of Persons Depriv
- Rights of Women
- Tweets

The 'Other calendars' section includes an 'Add a friend's calendar' input field and a 'Settings' link.

IACHR Group Calendar 6 Month Outlook (Example)



**PROGRESSIVE BUDGET OF THE STRATEGIC PLAN
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

| ANNUAL COST OF PROGRAMS | TOTAL (in thousands USD) | | | | | |
|--|--------------------------|--------------|--------------|---------------|---------------|---------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
| PROGRAM 1. DIRECTION IN LAW AND POLICY | | | | | | |
| Plan of Action 1.1: Strategy and planning Subtotal Plan of Action 1.1 | 1,303 | 1,574 | 1,828 | 2,152 | 2,552 | 2,609 |
| Plan of Action 1.2: Inter-institutional relations Subtotal Plan of Action 1.2 | 111 | 113 | 404 | 412 | 420 | 428 |
| Plan of Action 1.3: Advisory services to the OAS' political bodies Subtotal Plan of Action 1.3 | - | - | - | 176 | 180 | 183 |
| Plan of Action 1.4: Identification of standards and development of manuals, studies and protocols Subtotal Plan of Action 1.4 | 200 | 204 | 208 | 212 | 216 | 343 |
| TOTAL PROGRAM 1 | 1,614 | 1,891 | 2,440 | 2,952 | 3,368 | 3,564 |
| PROGRAM 2. INDIVIDUAL PETITION SYSTEM | | | | | | |
| Plan of Action 2.1: Initial review (Registry Section) Subtotal Plan of Action 2.1 | 775 | 1,277 | 1,479 | 1,689 | 1,907 | 2,338 |
| Plan of Action 2.2: Admissibility (Regional Sections) Subtotal Plan of Action 2.2 | 1,274 | 1,722 | 2,022 | 2,243 | 2,564 | 3,272 |
| Plan of Action 2.3: Merits (Regional Sections) Subtotal Plan of Action 2.3 | 565 | 2,456 | 3,137 | 3,458 | 5,509 | 6,961 |
| Plan of Action 2.4: Friendly settlement (Friendly settlement group) Subtotal Plan of Action 2.4 | 111 | 113 | 517 | 527 | 538 | 671 |
| Plan of Action 2.5: Follow-up of recommendations (Regional Sections) Subtotal Plan of Action 2.5 | 263 | 613 | 695 | 738 | 973 | 1,141 |
| Plan of Action 2.6: Litigation before the Court (Court Group) Subtotal Plan of Action 2.6 | 548 | 595 | 1,093 | 1,402 | 2,011 | 2,174 |
| Plan of Action 2.7: Precautionary measures (Protection Group) Subtotal Plan of Action 2.7 | 484 | 527 | 641 | 832 | 957 | 976 |
| Plan of Action 2.8: Other measures of protection Subtotal Plan of Action 2.8 | 54 | 59 | 71 | 92 | 106 | 108 |
| TOTAL PROGRAM 2 | 4,073 | 7,361 | 9,657 | 10,981 | 14,565 | 17,642 |
| PROGRAM 3. MONITORING OF COUNTRY SITUATIONS | | | | | | |
| Plan of Action 3.1: Holding of country and regional hearings Subtotal Plan of Action 3.1 | - | 204 | 208 | 276 | 325 | 442 |
| Plan of Action 3.2: Working visits by country rapporteurs Subtotal Plan of Action 3.2 | 50 | 102 | 104 | 159 | 189 | 193 |
| Plan of Action 3.3: In loco visits Subtotal Plan of Action 3.3 | - | - | 260 | 265 | 271 | 552 |
| Plan of Action 3.4: Country reports Subtotal Plan of Action 3.4 | - | - | 31 | 32 | 64 | 66 |
| TOTAL PROGRAM 3 | 50 | 306 | 603 | 732 | 849 | 1,253 |

**PROGRESSIVE BUDGET OF THE STRATEGIC PLAN
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

| ANNUAL COST OF PROGRAMS | TOTAL (in thousands USD) | | | | | |
|---|--------------------------|--------------|--------------|--------------|--------------|--------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
| PROGRAM 4. THEMATIC AREAS | | | | | | |
| Plan of Action 4.1: Thematic hearings Subtotal Plan of Action 4.1 | - | - | 208 | 255 | 325 | 442 |
| Plan of Action 4.2: Thematic reports Subtotal Plan of Action 4.2 | 200 | 263 | 449 | 673 | 718 | 765 |
| Plan of Action 4.3: Thematic studies Subtotal Plan of Action 4.3 | 200 | 257 | 436 | 660 | 673 | 713 |
| Plan of Action 4.4: Case support Subtotal Plan of Action 4.4 | 200 | 233 | 387 | 609 | 622 | 634 |
| Plan of Action 4.5: Working visits by thematic rapporteurs Subtotal Plan of Action 4.5 | - | 77 | 78 | 133 | 135 | 193 |
| Plan of Action 4.6: Emerging thematic areas (LGTBI and others) Subtotal Plan of Action 4.6 | 200 | 233 | 387 | 609 | 622 | 622 |
| TOTAL PROGRAM 4 | 801 | 1,061 | 1,945 | 2,939 | 3,095 | 3,369 |
| PROGRAM 5. SPECIAL THEMATIC AREA: FREEDOM OF EXPRESSION | | | | | | |
| Plan of Action 5.1: Access to justice and standards Subtotal Plan of Action 5.1 | 251 | 256 | 261 | 266 | 272 | 277 |
| Plan of Action 5.2: Reconciling domestic standards and practices with standards of the IAHRs Subtotal Plan of Action 5.2 | 261 | 266 | 272 | 277 | 283 | 288 |
| Plan of Action 5.3: A better knowledge and understanding of the IAHRs Subtotal Plan of Action 5.3 | 250 | 255 | 260 | 265 | 271 | 276 |
| Plan of Action 5.4: Monitoring and thematic reports Subtotal Plan of Action 5.4 | 345 | 352 | 359 | 366 | 373 | 381 |
| TOTAL PROGRAM 5 | 1,107 | 1,129 | 1,152 | 1,175 | 1,198 | 1,222 |
| PROGRAM 6. OTHER ACTIVITIES TO PROMOTE HUMAN RIGHTS | | | | | | |
| Plan of Action 6.1: Universal acceptance of the system Subtotal Plan of Action 6.1 | 97 | 100 | 102 | 208 | 212 | 216 |
| Plan of Action 6.2: External training Subtotal Plan of Action 6.2 | - | - | - | 233 | 475 | 727 |
| Plan of Action 6.3: Fellowships and internships Subtotal Plan of Action 6.3 | 284 | 413 | 421 | 516 | 746 | 985 |
| TOTAL PROGRAM 6 | 381 | 513 | 523 | 957 | 1,434 | 1,929 |
| PROGRAM 7. PUBLIC INFORMATION | | | | | | |
| Plan of Action 7.1: Relation with the media and journalists Subtotal Plan of Action 7.1 | 80 | 82 | 84 | 85 | 127 | 130 |
| Plan of Action 7.1: Development and implementation of campaigns Subtotal Plan of Action 7.2 | 80 | 82 | 84 | 85 | 127 | 130 |
| Plan of Action 7.3: The IACHR in the electronic media Subtotal Plan of Action 7.3 | 80 | 82 | 84 | 85 | 127 | 130 |
| TOTAL PROGRAM 7 | 241 | 246 | 251 | 256 | 381 | 389 |

**PROGRESSIVE BUDGET OF THE STRATEGIC PLAN
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

| ANNUAL COST OF PROGRAMS | TOTAL (in thousands USD) | | | | | |
|--|--------------------------|---------------|---------------|---------------|---------------|---------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
| PROGRAM 8. INSTITUTIONAL DEVELOPMENT | | | | | | |
| Plan of Action 8.1: Administration Subtotal Plan of Action 8.1 | 670 | 806 | 1,268 | 1,892 | 2,050 | 2,163 |
| Plan of Action 8.2: Finance Subtotal Plan of Action 8.2 | 270 | 275 | 702 | 977 | 996 | 1,165 |
| Plan of Action 8.3: Systems Subtotal Plan of Action 8.3 | 365 | 372 | 551 | 562 | 736 | 751 |
| Plan of Action 8.4: Documents Subtotal Plan of Action 8.4 | 435 | 558 | 1,007 | 1,363 | 1,489 | 1,535 |
| TOTAL PROGRAM 8 | 1,740 | 2,012 | 3,529 | 4,795 | 5,271 | 5,614 |
| GRAND TOTAL (*) | 10,008 | 14,520 | 20,100 | 24,787 | 30,161 | 34,981 |

(*) The budget does not include the Indirect Cost Recovery (ICR). Pursuant to OAS General Standards approved by its Member States and in accordance to Executive Order 07-01, issued by the OAS Secretary General on May 29, 2007, the ICR is established at a minimum of 11% (Member States) or at a minimum of 12% (other donors) of the total contribution amount. ICR will partially defray costs incurred in the administration of this grant agreement including, among others, the following products and services: planning, monitoring, review and evaluation of projects; resource mobilization services; financial management framework; staff recruitment; overall administrative functions of the General Secretariat; legal and financial review of agreements; banking operations; financial reporting; external audit coordination and representation; internal audits; setup and management of accounts; procurement of goods and services; recording and processing of transactions; facilities and utilities; and general use office equipment and supplies, etc.

6. Monitoring and Evaluation

The IACHR Strategic Plan for 2011 – 2015 will help improve understanding of how the Commission provides its services and accomplishes its mandates. It will do this primarily by operationalizing the Commission’s duties and responsibilities in measureable terms. Staff perceived the value of producing a new M & E system as follows:

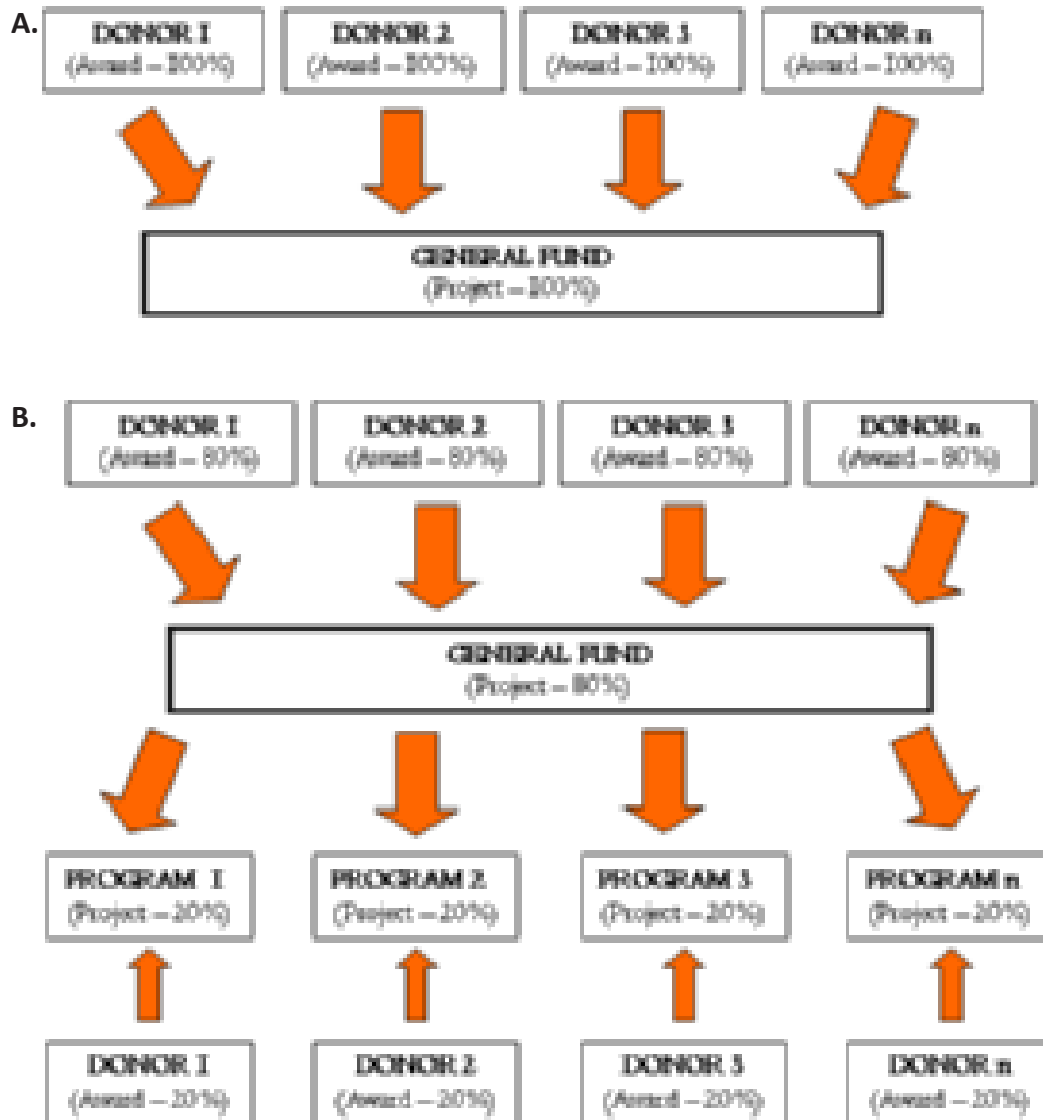
- ◆ To evaluate IACHR’s activities and communicate its results in a format that stakeholders require in order to secure increased resources;
- ◆ To increase transparency and accountability to all IACHR stakeholders; and
- ◆ To change organizational behaviors to increase efficiency by going through the exercise of aligning the IACHR mission, objectives and performance indicators.

Realistically however, the M & E System cannot completely resolve many issues related to efficiency, as discussed in the Strategic Plan, i.e., backlogs of petitions, cases, etc. The Strategic Plan does a good job describing how IACHR promotes human rights and what “constituencies” the Commission is expected to serve and what its core mandates and corresponding activities are. The M & E System includes indicators that can help track whether the objectives set out in the Strategic Plan are being achieved. It can assist the IACHR to gain insight into its work to help it make mid-term corrections if necessary. Simply put, the indicators are designed to track data on progress towards the goals and objectives which are set out in the Strategic Plan. The M & E system will need to be well integrated into all Commission operations and into its working culture to ensure that data is collected regularly and analyzed in a timely fashion.

The indicators created can only provide the necessary data on results if the Secretariat staff is able to regularly and reliably track and interpret what the indicators are designed to measure. Only then can this information be used to inform regular reporting i.e., monitoring reports, annual reports and reports to other stakeholders. To ensure that the indicators are tracked properly, training of IACHR staff is required. In addition, the presence of another dedicated staff person, reporting to the current Project Officer, should be assigned to track and analyze this data. Given the high workload of staff at the IACHR, and the need to track and measure the results of the Strategic Plan, the addition of an M & E officer to track and analyze results is essential.

7. Financial Management of IACHR Strategic Plan 2011-2015

A unique General Ledger / grant account will be designated to track all financial transactions related to the Fund. If the contribution gives general support to the Strategic Plan, it will be allocated in the General Fund (please refer graph A. below), but if it specifically indicates the supported program (a maximum of 20% of one selected program), the contribution will be allocated directly to it (please refer to graph B.).



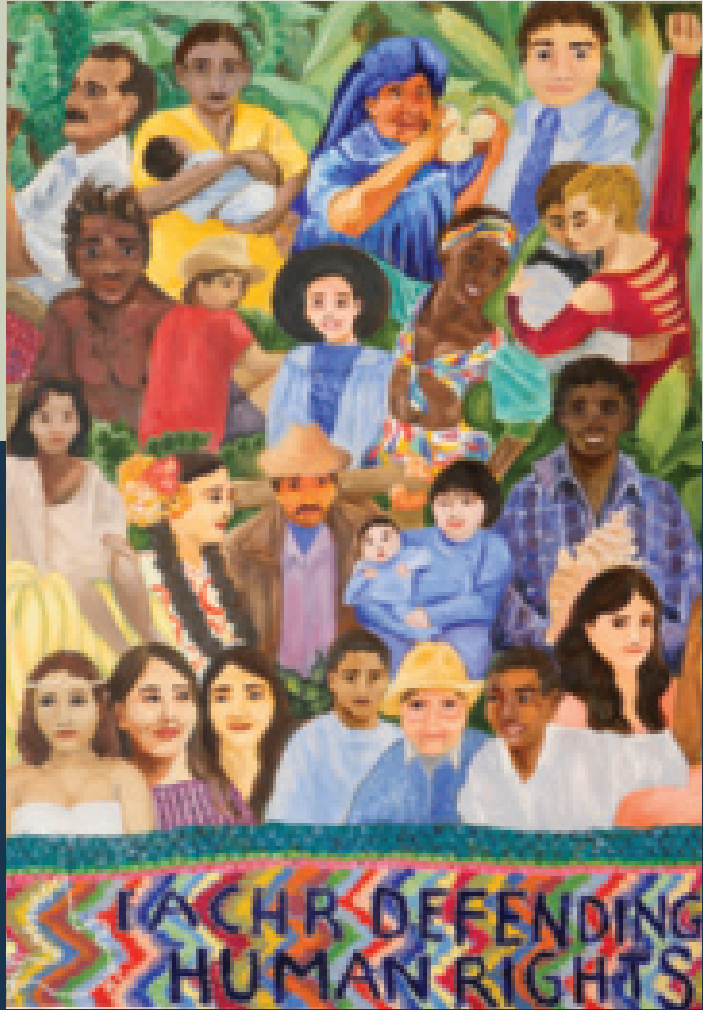
Following the signature of the Agreement, the contributions made to support the IACHR Strategic Plan 2011-2015 Fund shall be deposited in the GS/OAS primary bank account through electronic fund transfers or checks. For electronic fund transfers, please refer to following information:

| ELECTRONIC FUND TRANSFERS TO THE OAS | | |
|---|--|---|
| | Wire transfers (from outside the US and CANADA) | A/C H transfers (inside the US and CANADA) |
| Bank full name: | Bank of America | Bank of America |
| Bank short name: | Bank of America | Bank of America |
| ABA/Routing #: | 026009593 | 014001294 |
| Account number: | 002080125364 | 002080125364 |
| Account name: | General Secretariat of the OAS | General Secretariat of the OAS |
| Bank's address: | 730 15th Street, N.W., Washington, DC 20005-1812, USA | 730 15th Street, N.W., Washington, DC 20005-1812, USA |

If the payment method used is check, it must be payable to the General Secretariat of the Organization of American States and sent to the Department of Financial and Administrative Management Services, Treasury Office, 4th floor, 1889F street NW, Washington DC, 20006.

Additional considerations:

1. The official currency of the GS/OAS is the United States dollar (USD). All financial transactions including financial statements are denominated in USD. If the contribution is made in a currency other than USD, it will be converted to USD at the exchange rate of the day of the receipt of funds.
2. General Standards require Specific Fund contributions/grants to include a provision for Indirect Cost Recovery Rate (ICR).
 - a. Rate for contributions from Member states is established at a minimum of 11% of the contribution/grant.
 - b. Rate for contributions from all other donors is established at a minimum of 12% of the contribution/grant.
3. The GS/OAS auditing is performed internally by the Office of the Inspector General and externally by the Board of External Auditors and an external auditing firm. The audited financial statements and annual reports are published yearly by the Department of Financial and Administrative Management Services. Furthermore, a specific verification of expenditures will be performed annually by an independent external audit firm and coordinated by the Department of Financial and Administrative Management Services. The first verification will be performed at the end of the second executed year and will include all the transactions from the inception of the Fund.
4. A financial report will be prepared annually and will be presented by April 30.
5. Unused funds allocated to a selected program, plan or activities of the Commission's Strategic Plan, will return to the General Fund for future programming.



**Inter-American Commission
on Human Rights**
1889 F Street, N.W.
Washington, D.C. 20006
United States of America
cidhdenuncias@oas.org
Tel.: +1(202) 458-6002
Fax: +1(202) 458-6215

Poster by Emily Phillips, winner of the contest organized by the IACHR in 2009, to celebrate its 50th anniversary

www.cidh.org



**Organization
of American States**