
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
CONCEPT NOTE
2017-2020 Strategic Plan

Urgent challenges and priority themes

As we open the discussion of the development of the Second five-year Strategic Plan of the Inter-American Commission on Human Rights (IACHR), the Commission faces a situation of budgetary asphyxiation. The very existence of important instruments to protect human rights, consolidated over six decades by OAS member states, is now at risk.

The special attention of Members States, civil society organizations and multilateral cooperation bodies is essential.

What is required is the adoption of urgent measures to avoid the collapse of the Commission's vital tools of intervention, such as public hearings requested by States-Parties and petitioners, country monitoring visits, and analysis and processing of cases of grave human rights violations as well as other activities of promotion and protection.

Together, this range of instruments has been responsible and recognized, throughout the history of the Commission, for the defense of human lives in situations of violence, oppression and destruction of the basic conditions of existence of vulnerable groups.

If there is no clear, energetic determination of the political bodies of the OAS and of Member States, the OAS will enter a period of human rights regression, reversing the advances achieved by the 35 states in the Organization, and resulting in the loss of a team composed of highly qualified and dedicated specialists.

Resolution of this crisis must be achieved at the same time that a new Strategic Plan—based on a sound structure and emphasis on ending the chronic problem of extended deadlines and excessive, procedural delays—is debated and approved.

The 2016-2020 Strategic Plan will enable the Commission to attend its backlog, accelerate the processing of cases and expand its real time response mechanisms to combat impunity and ensure and enhance its relevance as the principal intergovernmental human rights body in the Americas.

The Plan seeks to address the internal institutional challenges that have impeded the Commission during the past decade (procedural backlog, delay in processing cases) at the same time as it implements real time responses to increase the dynamism and profile of the Commission and its work. At the end of the five year period (2020), the Commission will have taken decisive steps to address its backlog, and through procedural reforms, will have reduced the time to review and decide on cases to five years. Investment in real time responses will enable the Commission to engage rapidly and effectively through its mechanisms (petitions and cases, precautionary measures, friendly settlements, country and thematic monitoring, promotion and public policies etc.) to ensure the effective protection of human rights.

Other institutional challenges addressed in the new Plan, which also require a solid, permanent, financial basis, concern the implementation of recommendations and decisions of the IACHR and the Inter-American Court of Human Rights, the necessary universalization of inter-American instruments, the stability of the professional staff, and the development of conditions to ensure that the Commission will have a permanent presidency during that year-long mandate.

In the field of human rights, the most salient human rights challenges include access to justice, both before national systems and before the inter-American system; discrimination, inequality, exclusion, racism and violence – that particularly affect women, indigenous peoples, migrants, children and adolescents, human rights defenders, persons deprived of liberty, afro-descendants, lesbian, gay, bisexual, trans and intersex (LGBTI) persons, and persons with disabilities; the excessive use of force by state authorities; impunity for serious violations of human rights; lack of protection and enjoyment of economic, social and cultural rights; and restrictions on freedom of expression, the protection of journalists, and access to public information. These central challenges are at the same time the priority issues of the Strategic Plan.

Context and advances achieved

Every year, in the course of its work to protect and promote human rights in the Americas, the Inter-American Commission on Human Rights receives more than 2,000 new petitions, a number that tends to increase. In addition, it decides on more than 600 new requests for precautionary measures, and oversees the implementation hundreds of cases decided by final report and the more than 100 matters resolved by friendly settlement. The IACHR presents and participates in all phases of contentious cases and also plays an active role in requests for advisory opinions and provisional measures before the Inter-American Court.

In addition, the IACHR monitors the human rights in every one of the 35 member states of the OAS, usually visiting on each year to develop observations *in loco*, and undertakes a series of working visits each year, with the corresponding reports; prepares between five and 15 thematic reports per year; holds more than 100 public hearings and 50 working meetings a year; issues more than 150 press releases and follows up on more than 50 requests for information to States; as well as

organizing and participating in seminars, capacity building courses and a wide range of other promotional activities.

To attend to this universe of matters, the IACHR relies on the 75 members of its professional and administrative staff. Given the requirements, problems and human rights challenges in the region, the Commission has been obliged, in light of its Strategic Plan 2011-2015 and annual program approved in the exercise of its autonomy and independence, to seek additional resources from Member and Observer States, as well as other donors. These external funds are necessary to cover the costs for required personnel. Regular funds provide resources for just 32 staff members. The remaining 43 are financed with external funds. However, many Observer States and donors have decided to redirect their resources away from the Commission to other regions and thematic areas.

Despite these difficulties, by granting precautionary measures, conducting hearings, requesting information from member States, negotiating friendly settlement agreements, and issuing recommendations in merits reports, the IACHR has contributed to victims' access to justice; member States have approved laws to strengthen the rule of law to prevent recurrence of human rights violations, and have drafted rules and public policies to prevent and respond to, for example, the problem of violence against women and discrimination against groups and individuals historically discriminated against; decisions and laws to respect the life and integrity of migrants, human rights defenders and indigenous peoples; and states have adopted legislative amendments to respect the right to free, prior and informed consultation of indigenous peoples in accordance with international standards, among others structural developments.

Objectives and results of the 2016-2020 Strategic Plan

The 2016-2020 Strategic Plan will allow the IACHR to implement its mandate fully. The Commission will develop new mechanisms to attend to procedural delay. The IACHR will intensify the application of procedures that allow for expedited processing. This will allow the Commission to attend to its procedural backlog and move towards a substantial reduction in its processing time for cases. The IACHR will develop programs to address emerging situations and also it will seek and explore ways to ensure greater impact, in real time, in the defense and protection of human rights.

At the end of the period, the IACHR seeks to reach the following effects and results, if it has access to sufficient funds:

- 1) Victims of human rights violations will have better and more efficient access to the inter-American human rights system, and to the national protection systems;
- 2) Victims will be able to receive a timely response to their complaints. The IACHR seeks to respond in less than one year at the registry stage and to reduce total processing time to less than five years from initial complaint to final resolution. If the IACHR has sufficient resources it can reduce processing time significantly;

- 3) Individuals from historically discriminated groups will gain enhanced protection and enjoyment of their rights, and access to reparations for violations of rights;
- 4) Decisions and recommendations of the IACHR will be implemented more regularly by the States;
- 5) Member States will incorporate inter-American standards in practice at the domestic level;
- 6) There will be progressive developments in international human rights law and applicable standards on priority issues;
- 7) The Commission will engage in highly visible, real-time responses in a more dynamic fashion thus ensuring that adequate attention and responses are directed to situations of serious violations of human rights.

Execution of programs

1. System of protection and defense of human rights. This program includes the procedures and mechanisms created by the inter-American instruments for the defense and protection of human rights: reports on petitions and cases, precautionary measures and provisional measures.

The objective is to improve access to justice for those individuals whose rights have been violated and to improve the Commission's capacity to safeguard and protect those rights. The IACHR plans to continue pursuing programs and strategies to reduce the procedural backlog, and to continue improving the processing of individual petitions and cases to provide a more timely response to victims. In particular, in the framework of the Strategic Plan, the IACHR will develop new mechanisms to address procedural backlog. These mechanisms will allow large numbers of cases with significant delays to be attended to more rapidly, thus allowing the Commission to process its current caseload sooner and provide more timely justice for victims.

The precautionary measures are designed to protect the rights of a person when he or she is at risk of irreparable harm. The Commission will continue to develop its capacity to ensure an immediate response to 100% of the requests for precautionary measures, and deepen its efforts to monitor all measures that are granted to ensure their effectiveness.

2. Promotion of friendly settlements. The objective of this program is to promote the use of the Inter-American Commission's friendly settlement mechanism as an alternative to litigation to obtain comprehensive reparation for victims of human rights violations.

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 measures that correspond to the interests and needs of both parties, based on respect for the human rights established in the American Convention on Human Rights, the American Declaration, and other applicable instruments.

In the context of this Strategic Plan, the IACHR will carry out promotion activities geared toward State officials, civil society organizations, and other relevant actors regarding the friendly settlement mechanism applicable to petitions and cases submitted for consideration by the Inter-American Commission on Human Rights under the inter-American instruments. The IACHR will follow up the friendly settlements that it approves on an ongoing basis and produce periodic reports on compliance.

3. Geographic Monitoring of the human rights situation. This is the primary mechanism by which the IACHR monitors the human rights situation in member States and issues recommendations in light of inter-American standards. The Commission will carry out on-site visits as required, and prepare the reports and corresponding recommendations. The IACHR will monitor situations that affect the enjoyment of human rights, which include challenges, trends, and also advances and best practices.

The Commission proposes to strengthen and increase rapid and comprehensive mechanisms of response to emerging situations of human rights through the combination of its diverse instruments of protection (precautionary measures, requests for information, visits, special reports and country reports).

4. Thematic Monitoring of the human rights situation. The IACHR places special attention on excluded groups and persons historically victims of discrimination and exclusion. This program involves thematic monitoring of the human rights situation in member States, the issuance of recommendations in light of inter-American standards, and follow-up on their implementation.

The monitoring programs include the work plans of each of the rapporteurships created by the IACHR to address priority issues: rights of indigenous peoples; rights of women; rights of migrants; rights of children; rights of persons deprived of liberty; persons of African descent and against racial discrimination; and on the rights of lesbian, gay, bisexual, trans and intersex persons. Other groups warranting special attention are also included in this monitoring, such as persons with disabilities, as well as other emerging issues.

The IACHR has as a general goal that, by 2020, it will have helped expand, enrich, and strengthen inter-American legal standards relating to the individuals, groups, and communities identified in the thematic priorities. In addition, the IACHR will work over the next five years to document best practices of the States in the implementation of the recommendations and standards of the inter-American system, and will work more closely with the States to address persistent challenges to compliance with their human rights obligations.

5. Economic, social and cultural rights. In the framework of the Plan, the IACHR proposes to establish a Special Rapporteurship for the protection and promotion of economic, social, and cultural rights in the hemisphere, once it has received the resources and conditions necessary for it to function effectively.

6. Promotion and protection of freedom of expression. This program aims to improve the protection of and respect for the right to freedom of expression and access to information in the Americas. During the period 2016 -2020, the Office of the Special Rapporteur on Freedom of Expression will focus on violence and impunity that affects the exercise of these rights, as well as the protection of critical speech, pluralism in the flow of information, respect for freedom of expression on the Internet, access to information, and protection of rights of groups discriminated against in the media.

7. Promotion and public policy in human rights. The objective of this program is to promote awareness and implementation of inter-American human rights standards, as well as the decisions and recommendations of the IACHR, in legal frameworks, national human rights protection instruments, and public policies in human rights in member States.

For the 2016-2020 period, the emphasis will be oriented toward increasing awareness and use of the system by States that are not familiar with or do not use the protection mechanisms of the inter-American human rights system; encouraging all countries in the region to apply the inter-American standards and recommendations the IACHR has presented in its country reports and thematic reports; and promoting the universalization of the Inter-American instruments of human rights.

During the 2016-2020 period, the IACHR will promote public policies designed to strengthen respect for human rights as a central element of the process of strengthening national capacities to implement inter-American human rights standards. To this end, the IACHR will conduct activities to strengthen relationships with member States and will provide technical assistance to formulate public policies consistent with human rights.

8. Policy and legal direction: The aim of this program is to ensure that the mechanisms of the inter-American human rights system and the programs of its Strategic Plan are developed in a manner consistent with the Commission's mandates.

This program includes the preparation of the periods of sessions and the supervision and review of the draft reports and other documents to be considered by the Commission, as well as accountability and press and communication activities.

The Commission holds at least three regular periods of sessions per year and as many special sessions as it considers necessary. The Commission's regular sessions are held at its headquarters. However, the Commission may agree to meet elsewhere, with the permission or at the invitation of the State in question and as long as the necessary resources are available to do so. In order to come into closer contact with the users of the inter-American human rights system, the IACHR has placed a priority on holding special sessions away from headquarters, in countries of the region.

The Commission will engage in dialogue with the Member States to obtain the invitation and necessary resources to hold special sessions outside headquarters. At the end of the five years, the Commission expects to have held five special sessions, with the support of the Member States.

The IACHR will strengthen the permanent dialogue with the States, civil society organizations and other actors of the IAHR for the full implementation of its mandate.

The Commission will continue to deepen its efforts to ensure that its decisions, reports and pronouncements are coherent, accessible, useful and effective, ensuring progressive advances in content and standards.

As regards press and communications, for the 2016-2020 period, the IACHR will emphasize the development of communication and dissemination strategies for its publications and decisions, and it will also strengthen the visibility and accessibility of information on human rights mechanisms and inter-American human rights standards. To that effect, it will also use new information and communication technologies, strengthen its presence on social media such as Facebook and Twitter, establish campaigns on Pinterest, and publish photos on Flickr, among other tools.

9. Institutional development and administrative affairs. The objective is to promote institutional, administrative, and technological development, as well as the resources needed for the IACHR to efficiently carry out its mandate and achieve the rest of its strategic objectives.

Through this program the Commission seeks to increase the technical and administrative capacity needed to obtain the necessary resources for it to function properly and for its resources to be managed effectively. The IACHR will work on strategies to increase its mobilization of funds, so that it is able to finance on a continuing basis the personnel necessary to develop its mandate in a sustainable way. Additionally, the IACHR will pursue the effective administration of its human and financial resources, and improvements in management efficiency.

Regarding the management of information technology resources, during the 2016-2020 period, the IACHR aims to synchronize its systems, promoting the integrity and transparency of the procedures and work of the IACHR with technology and automated management tools.

Finally, through the Strategic Plan, the Commission will continue and deepen inter-institutional relationships, coordination and joint work with bodies of the universal and regional systems of human rights protection, while continuing to share experiences with civil society organizations and academia to contribute to the institutional development of the Commission.