

Defending Regional Human Rights Protection Mechanisms: The Inter-American Commission on Human Rights Under Attack

Through its groundbreaking decisions on critical issues such as gross human rights violations under military dictatorships, indigenous rights, women's rights, and military justice, the Inter-American Commission on Human Rights (IACHR) has demonstrated its effectiveness and vital importance in safeguarding human rights. Its resolutions, in conjunction with decisions of the Inter-American Court of human rights, have spurred legal reform and the introduction of human rights protections in many countries. Moreover, its monitoring and reporting functions have served to hold states publicly accountable for human rights abuses, and to promote the protection of human rights around the region. However, the IACHR's crucial role is currently in peril.

From June 2011 until now, the Inter-American System has undergone a "strengthening process" at the request of OAS member states. As part of the process, governments provided recommendations on how to improve the Commission's procedures and activities and the Commission provided an official response. Civil society organizations were also invited to contribute to the process by submitting recommendations. Freedom House was one of 17 organizations in the region to make specific recommendations to the Commission.

While this process could lead to a better functioning IACHR, some member states have used it as an opportunity to limit the scope of the Commission's mandate and thus weaken its ability to protect human rights. States such as Bolivia, Ecuador, Nicaragua, and Venezuela, which are often denounced by the Commission for human rights abuses, have lashed out at its decisions in the past and are now seeking to weaken the Commission. They have harshly criticized the role of the IACHR's Special Rapporteur on Freedom of Expression, the precautionary measures the Commission issues in cases of extreme human rights abuse, and Chapter IV of the Commission's Annual Report, which singles out those countries with the most worrisome human rights situations, including Colombia, Cuba, Honduras and Venezuela. These states have proposed reforms that would challenge the independence and autonomy of the Commission, effectively undermining its entire purpose and curbing its ability to promote and protect human rights in the region.

A frequent criticism of the human rights system is its lack of universality. The United States, Canada and some Caribbean states have not ratified the American Convention on Human Rights, and therefore are not bound by the Commission's resolutions. Freedom House agrees with the principle of universality. A strong and effective Inter-American Human Rights System requires the commitment of all member states to abide by the same norms, and it is therefore imperative that all states ratify the Convention.

In an effort to assist in the process of strengthening the Inter-American Human Rights System, Freedom House submitted proposals to the Permanent Council of the OAS on how to improve the mandate and current practices of the IACHR. Freedom House's contribution to this debate consisted of a series of [recommendations](#) centered around three issues: precautionary measures, promotion of human rights and the IACHR's financial situation. The outcome of this consultation process and decisions about future reforms of the commission will be made by March 2013 in an Extraordinary General Assembly.

Precautionary Measures

To protect individuals who are at risk and require immediate protection, the Commission can issue precautionary measures, which aim to prevent imminent and irreparable damage to the life and physical integrity of an individual. Positions on this issue have been diverse. While some states have argued that the Commission should refrain from issuing precautionary measures altogether, others have suggested that the Commission should consult with the states before issuing such measures. Some states have even requested a narrower provision that specifies the types of situations that merit precautionary measures.

Freedom House suggests that the Commission keep some degree of flexibility to be able to respond to life-threatening situations without alienating the states. We recommended adapting the Commission's rules to include a more precise time frame for response after a petition is received, mechanisms to verify the implementation of precautionary measures, and reviewing periods. Furthermore, Freedom House proposes that the Commission create two tracks to respond to requests for precautionary measures: a fast-track process for those cases that require rapid response, such as threats to a person's life, and a second track for cases that are not quite as time sensitive and can be decided upon once the Commission has received information from the State.

Promotion of Human Rights

One of the core mandates of the Commission, as established in the OAS Charter, is the promotion of human rights in the Americas. Since 2011, stakeholders have been proposing that the Commission focus solely on promotion rather than hearing specific cases of human rights violations. Others recognize the key role of the Commission in defending victims of human rights violations, but would like to see a better balance with its promotion mandate.

Freedom House proposes that the Commission develop concrete promotion initiatives, such as working with states, civil society organizations, and universities in providing technical assistance on human rights issues. Technical assistance may include trainings on Inter-American standards, how to interact with the system, and how to better use it to advance and/or protect human rights in the different countries.

Furthermore, Freedom House agrees with some Caribbean member states that call for more diverse participation in the system. To achieve this goal Freedom House proposes that the Commission should place greater emphasis on its promotion efforts in states that have had a relatively limited presence in and interaction with the IACHR, such as those in the English speaking Caribbean, as well as in countries where there has been a lack of civil society participation in the system.

Financial Situation

The one issue that all stakeholders agree upon is the lack of sufficient resources for the Commission. Most of its budget comes from non-OAS regular funds and it is heavily dependent on voluntary contributions, mostly from the United States and Canada. However, there is significant disagreement over how to improve the financial situation of the Commission. Some states suggest the Commission

should not receive voluntary contributions and should solely depend on member states' contributions through the regular fund. Freedom House proposes that the Commission collaborate with organizations and entities already working on the defense and promotion of human rights, and become involved with projects being carried out in-country. Also, to increase funding for each of the Rapporteurs, Freedom House suggests that the Commission compete for funding through open grant solicitations, instead of relying solely on voluntary contributions from member states.

A Call for Effective Reform

Freedom House recognizes that the Inter-American System is in need of reform; however, the current "strengthening process" should aim to increase the Commission's ability to promote and defend human rights in the hemisphere, rather than diminish its capacity to carry out its mandate. According to the 2012 edition of Freedom House's publication *Freedom of the Press*, press freedom has declined substantially in the region and only 39% of the countries in the Americas are now classified as "free." In order to address the rapid deterioration of press freedom in the region, the Commission and its rapporteurships must play a leading role in defending human rights in the hemisphere.