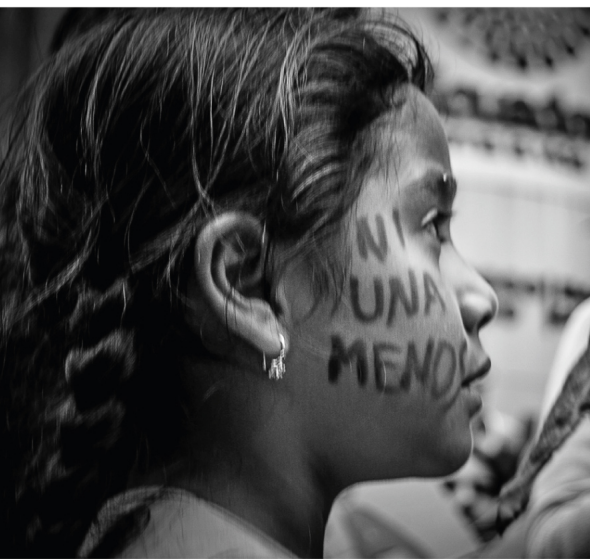


# Using the Inter-American Human Rights System to Advance the Rights of Women and Girls with Disabilities



WOMEN  
ENABLED  
INTERNATIONAL

**accountABILITY toolkit**

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# **account**ABILITY:

**Using the Inter-American Human Rights System  
to Advance the Rights of Women and Girls  
with Disabilities**



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Against a background with a simplified purple world map showing a portion of the continents of North, Central and South America, the title reads: “Using the Inter-American Human Rights System to Advance the Rights of Women and Girls with Disabilities.” In the center of the cover page, there are three black and white photos in a row. The first photo is a close-up profile of a young female child with dark braided hair. She looks to the right. The words “*Ni Una Menos*” (“not one woman less”) in Spanish are painted on her cheek. In the second photo, in the middle of a crowded street, a young woman with long dark hair in a wheelchair holds a handmade sign that says “*Sin números somos invisibles*” (“if we are not included in statistics, we are invisible”) in Spanish. The third photo is a closeup profile of a young adult female looking to the left. A female symbol is painted prominently on her cheek. The Women Enabled International logo appears below the photos. It consists of twelve repetitions of the lowercase letter i in white, arranged in a circle. To the right of the logo is the name of the organization. The words accountability Toolkit appear below the logo.

**Photo credits:**

- 1) Paro de Mujeres en Quito. Andrea Torres Díaz, [CC BY-SA 4.0](#), via Wikimedia Commons. Photo has been cropped.
- 2) A participant in the 8M march in Monterrey, Mexico, March 8, 2020. Courtesy of Mexicanas con Discapacidad. <https://www.facebook.com/mexicanascondiscapacidad>
- 3) Estudiantazo Federal por el aborto legal - explanada UNL - Santa Fe – Argentina. Agustina Girardo, [CC BY-SA 4.0](#), via Wikimedia Commons. Photo has been converted to black and white and cropped.

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## Acknowledgments

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The *accountABILITY Toolkit* on the Inter-American Regional Human Rights System is dedicated to the millions of women and girls with disabilities in the Americas and around the world who routinely encounter multiple and intersecting forms of discrimination. This Toolkit is a call to action, urging and empowering us to collectively raise our voices to demand that international and regional human rights standards protect the rights of all women and girls, including those with disabilities.

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## Overview

Human rights are universal, inalienable, and indivisible. Yet, in the twenty-first century, women across the globe continue to experience gender-based discrimination that impedes the full realization of their human rights. Specifically, women constitute 70 per cent of the world's poor and two-thirds of the world's illiterate. Women and girls with disabilities make up almost one-fifth of the world's population of women.<sup>2</sup> Women with disabilities in Latin America and the Caribbean, who make up a larger percentage of the more than 70 million people with disabilities living in the region<sup>3</sup>, similarly experience disproportionate violations of their fundamental rights.<sup>4</sup> For example, women with disabilities are 1.5 times less likely to be employed than men with disabilities.<sup>5</sup> While disaggregated data on gender and disability is limited, the data that does exist suggests that women with disabilities in the region, like women with disabilities globally, experience greater levels of gender-based violence than their counterparts without disabilities, yet, initiatives to prevent and address violence against women with disabilities are scarce.<sup>6</sup>

International and regional human rights law calls on governments to dismantle legal, structural, social, economic, and other barriers that women face in achieving equality and realizing their human rights. Human rights advocacy can be an effective tool for holding governments to account for their obligations under international and regional human rights law and pushing for effective implementation of human rights and gender equality to improve the situation on the ground for women and girls with disabilities. The Inter-American Human Rights System (Inter-American system) offers a range of mechanisms for promoting and protecting the rights of women and girls with disabilities.

This toolkit seeks to empower women and girls with disabilities, as well as organizations and advocates working on their behalf, to make use of the Inter-American human rights mechanisms available to ensure that the human rights violations that women and girls with disabilities experience receive redress and to make sure that statements, recommendations, observations, resolutions, decisions, and guidance from regional human rights bodies incorporate an intersectional gender and disability rights perspective. Increased attention to and guidance on how regional human rights standards apply to the specific human rights issues facing women and girls with disabilities will help advance these rights worldwide.

**Chapter 1** of this guide provides an overview of the characteristics and working methods of the main bodies that make up the Inter-American system: the **Inter-American Commission on Human Rights** ("Inter-American Commission" or "Commission") and the **Inter-American Court of Human Rights** ("Inter-American Court" or "Court"). This chapter also introduces several complementary bodies that, while not strictly part of the Inter-American system, function within the broader institution of the Organization of American States (OAS). It also describes the legal instruments that the Inter-American system is based on.

**Chapter 2** of this guide identifies the ways in which civil society can engage with the Inter-American system. In order to ensure that statements, decisions, and guidance coming out of the Inter-American system speak to the human rights situations of all individuals, including the lived experiences of women and girls with disabilities, the Commission and Court depend on the information provided by States and civil society alike about the realities on the ground. This section provides an overview of how civil society can provide information to the bodies of the Inter-American system and what type of information is necessary and/or useful.

**Chapter 3** provides guidance on developing more effective advocacy strategies for successful engagement with the Inter-American system, looking in greater detail at the advantages and challenges of its different mechanisms, and of complementing these mechanisms with those available within the United Nations (U.N.).

This section also discusses collaboration with other organizations and strategies (including media and digital strategies) to advocate for the implementation of regional standards at the national level.

This guide concludes with a [Glossary](#) of acronyms and abbreviations, and terminology relevant to both Inter-American system advocacy and advocacy on behalf of women and girls with disabilities, as well as links to [Additional Resources](#), including official websites, additional advocacy guides, and online research tools.

## Chapter 1: Introduction to the Inter-American Human Rights System

The Inter-American human rights system consists of two primary monitoring mechanisms: the **Inter-American Commission on Human Rights** and the **Inter-American Court of Human Rights**. These two bodies monitor whether States that are a party to the regional human rights treaties—agreements between States across the Americas, also called Conventions or Protocols—are meeting their obligations under these treaties.

### Organization of American States

The Inter-American system works under the broader structure of the Organization of American States (OAS), a regional organization established in 1948, to achieve an order of peace and justice, to promote solidarity, to strengthen collaboration, among other objectives. It has its headquarters in Washington, D.C., in the United States of America. The official languages of the OAS—and of the Inter-American system—are Spanish, English, Portuguese, and French. All 35 independent States of the Americas have ratified the OAS [Charter](#), which makes them OAS Member States (although Cuba is not an active member<sup>7</sup>).

The list of OAS Member States can be found here:  
[http://www.oas.org/en/member\\_states/default.asp](http://www.oas.org/en/member_states/default.asp).

## Inter-American Human Rights Treaties

The Inter-American system is based on several treaties, which make up its legal framework. Unlike the U.N. system, where each treaty is monitored by its own treaty body, the Inter-American Commission and Court monitor compliance with all of the regional treaties. Some of these treaties also have specific monitoring mechanisms—briefly covered at the end of this chapter—which can be useful for regional advocacy, but are not formally part of the Inter-American system. The following table summarizes the Inter-American human rights instruments, including the date the treaty entered into force (meaning the date that it became legally binding, or mandatory).

For a State to be a party to one of these treaties, the State must have ratified the treaty. To **ratify** a treaty means that a State consents to be bound by the treaty, committing to uphold the rights protected in the treaty. Advocates can find out which of the treaties their State has ratified here: [http://www.oas.org/dil/treaties\\_signatories\\_ratifications\\_member\\_states.htm](http://www.oas.org/dil/treaties_signatories_ratifications_member_states.htm).

<b>Table 1: List of Inter-American Human Rights Treaties</b>	
<b>Instrument</b>	<b>Date of Entry into Force</b>
<a href="#">American Declaration of the Rights and Duties of Man</a>	N/A
<a href="#">American Convention on Human Rights “Pact of San Jose, Costa Rica”</a>	July 18, 1978
<a href="#">Inter-American Convention to Prevent and Punish Torture</a>	February 28, 1987
<a href="#">Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”</a>	November 16, 1999
<a href="#">Protocol to the American Convention on Human Rights to Abolish the Death Penalty</a>	On the date in which each State ratifies it
<a href="#">Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”</a>	March 5, 1995
<a href="#">Inter-American Convention on Forced Disappearance of Persons</a>	March 28, 1996
<a href="#">Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities</a>	September 14, 2001
<a href="#">Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance</a>	November 11, 2017
<a href="#">Inter-American Convention Against All Forms of Discrimination and Intolerance</a>	February 20, 2020
<a href="#">Inter-American Convention on Protecting the Human Rights of Older Persons</a>	January 11, 2017

## ■ American Declaration of the Rights and Duties of Man (American Declaration)

**Text:** <http://www.oas.org/en/iachr/mandate/Basics/declaration.asp>

**Ratifications:** Not applicable

**Highlights:** The American Declaration was the first international human rights instrument, and, while not a treaty, is a fundamental document within the Inter-American system and the OAS. Member States of the OAS that have not ratified the American Convention can still be held accountable for violations of the human rights protected in the American Declaration.<sup>8</sup> Because declarations are not adopted with the formalities of treaties, they usually lack legally binding (mandatory) force; however, the American Declaration is generally viewed as binding due to both its incorporation into the OAS Charter and the fact that the

Declaration is treated by OAS Member States as customary international law, meaning international obligations that come out of established international practices.<sup>9</sup>

**Monitoring:** Inter-American Commission and Court

## ■ American Convention on Human Rights (American Convention)

**Text:** [http://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm)

**Ratifications:** As of September 2020, [23 States are party to the treaty](#).

**Highlights:** The American Convention identifies States' general obligations to respect human rights without discrimination and to give domestic legal effects to these rights through laws or other types of measures. The treaty protects civil, political, economic, social, and cultural rights and discusses when and how these rights may be suspended. The treaty is very general in terms of economic, social, and cultural rights (only referring to them in Article 26), but the Inter-American Court has recently interpreted and applied Article 26 of the Convention in a way that allows enforceability of other economic, social, cultural, and environmental rights.<sup>10</sup>

**Monitoring:** Inter-American Commission and Court

## ■ Inter-American Convention to Prevent and Punish Torture

**Text:** <http://www.oas.org/juridico/english/treaties/a-51.html>

**Ratifications:** As of September 2020, [18 States are party to the treaty](#).

**Highlights:** This treaty provides a detailed definition of torture, who can be said to be guilty of torture, and the obligations of States to prevent and punish cruel, inhuman, or degrading treatment and to impose severe punishments on perpetrators.

**Monitoring:** Inter-American Commission and Court

## ■ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”

**Text:** <http://www.oas.org/juridico/english/treaties/a-52.html>

**Ratifications:** As of September 2020, [17 States are party to the treaty](#).

**Highlights:** The Protocol recognizes the rights to work; just, equitable, and satisfactory conditions of work; trade union rights, including the right to strike; social security, health, healthy environment, food, education, benefits of the culture, formation and the protection of families, rights of children, protection of the elderly, and protection of persons with disabilities.\*

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\* The original text of the “Protocol of San Salvador” reads *handicapped* instead of *persons with disabilities*; however, that terminology is not in line with the current legal framework on disability rights.

**Monitoring:** The treaty expressly authorizes the Inter-American Commission and Court to receive and process individual petitions in relation to the rights to organize and join trade unions, and to education. However, the Court's recent interpretation of Article 26 of the American Convention has opened the possibility for other economic, social, cultural, and environmental rights to be enforceable.<sup>11</sup>

States parties commit to submit periodic reports to the OAS on the measures adopted to ensure respect for the rights in the Protocol. Reports are evaluated by the Working Group of the Protocol of San Salvador.

## ■ Protocol to the American Convention on Human Rights to Abolish the Death Penalty

**Text:** <http://www.oas.org/juridico/english/treaties/a-53.html>

**Ratifications:** As of September 2020, [13 States are party to the treaty](#).

**Highlights:** The Protocol does not expressly allow persons to file claims for human rights violations in relation to it, but its provisions may be invoked to interpret a State Party's obligations regarding the application of the death penalty.

**Monitoring:** Inter-American Commission and Court.

## ■ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”

**Text:** <http://www.oas.org/juridico/english/treaties/a-61.html>

**Ratifications:** As of September 2020, [32 States are party to the treaty](#).

**Highlights:** Violence against women is defined as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.”<sup>12</sup> Article 9 of the treaty calls on States to take special account of factors of vulnerability, among others: race, ethnic background, status as migrants, refugees or displaced persons; pregnancy, disability, minor or elder ages, socioeconomic disadvantages, affected by armed conflict or deprived of their freedom.

**Monitoring:** Inter-American Commission and Court are expressly authorized to receive and process individual petitions regarding violations of Article 7 of the treaty, which includes a detailed list of measures States should adopt without delay to prevent, punish, and eradicate violence against women.

Inter-American Court also may receive requests for advisory opinions by States Parties and the CIM on the interpretation of this treaty.

States Parties commit to submit periodic reports to the Inter-American Commission of Women (CIM, for its acronym in Spanish) on measures adopted to prevent and prohibit violence against women and to assist women affected by violence, on any difficulties in applying those measures, and on the factors that contribute to violence against women. Reports are evaluated through the Follow-up Mechanism of the Belém Do Para Convention (MESECVI, for its acronym in Spanish).

## ■ Inter-American Convention on Forced Disappearance of Persons

**Text:** <http://www.oas.org/juridico/english/treaties/a-60.html>

**Ratifications:** As of September 2020, [15 States are party to the treaty](#).

**Highlights:** This treaty is the first international treaty to specifically refer to this complex form of human rights violation, which it defines as of “the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.”<sup>13</sup> States undertake not to practice, allow, or tolerate forced disappearances, and to punish the perpetrators, accomplices, and accessories of this crime in their jurisdictions.

**Monitoring:** Inter-American Commission and Court are expressly authorized to receive and process individual petitions and precautionary measures in relation to the treaty.

## ■ Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities

**Text:** <http://www.oas.org/juridico/english/treaties/a-65.html>

**Ratifications:** As of September 2020, [19 States are party to the treaty](#).

**Highlights:** The Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities (CIADDIS, for its acronym in Spanish) is the first international instrument specifically dedicated to the rights of persons with disabilities, entering into force in 2001 (while the U.N. Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006 and entered into force in 2008). Its object is to “prevent and eliminate all forms of discrimination against persons with disabilities and to promote their full integration into society.”<sup>14</sup> Individuals cannot file individual complaints for human rights violations in relation to this treaty, but its provisions can be used to interpret a State Party’s obligations regarding persons with disabilities.

**Monitoring:** States Parties commit to submit periodic reports every four years on the measures adopted and the progress made in preventing and eliminating all forms of discrimination against persons with disabilities, and on any circumstances or difficulties affecting the fulfillment of these obligations. Reports are evaluated by the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS, for its acronym in Spanish).

## ■ Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance

**Text:** [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-68\\_racism.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism.asp)

**Ratifications:** As of September 2020, [5 States are party to the treaty](#).

**Highlights:** States undertake to prevent, eliminate, prohibit, and punish all acts and manifestations of racism, racial discrimination, and related forms of intolerance, based on race, color, lineage, national or ethnic origin.

**Monitoring:** Inter-American Commission and Court. Notably, States have to expressly accept the Court's jurisdiction over individual complaints, and States also must expressly accept the Commission's competence to consider inter-State<sup>†</sup> petitions.

States Parties may consult the Inter-American Commission on questions related to the effective application of this treaty, including asking for technical cooperation, to the extent that the Commission is able to provide it.

States Parties commit to submit periodic reports on progress made in implementing this treaty. Reports are evaluated by the Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance.

## ■ Inter-American Convention Against All Forms of Discrimination and Intolerance

**Text:** [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-69\\_discrimination\\_intolerance.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_A-69_discrimination_intolerance.asp)

**Ratifications:** As of September 2020, [2 States are party to the treaty](#).

**Highlights:** States undertake to prevent, eliminate, prohibit, and punish all acts and manifestations of discrimination and intolerance, based on nationality; age; sex; sexual orientation; gender identity and expression; language; religion; cultural identity; political opinions or opinions of any kind; social origin; socioeconomic status; educational level; migrant, refugee, repatriate, stateless or internally displaced status; disability; genetic trait; mental or physical health condition, including infectious-contagious condition and debilitating psychological condition; or any other condition.

**Monitoring:** Inter-American Commission and Court. Notably, States have to expressly accept the Court's jurisdiction over individual complaints, and States also must expressly accept the Commission's competence to consider inter-State petitions.

States Parties may consult the Inter-American Commission on questions related to the effective application of this treaty, including asking for technical cooperation, to the extent that the Commission is able to provide it.

States Parties commit to submit periodic reports on progress made in implementing this treaty. Reports are evaluated by the Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance.

## ■ Inter-American Convention on Protecting the Human Rights of Older Persons

**Text:** [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-70\\_human\\_rights\\_older\\_persons.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_A-70_human_rights_older_persons.asp)

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<sup>†</sup> Inter-State cases are those in which a State Party alleges that another State Party has committed a violation of human rights protected by the treaty. Both States concerned have to have expressly accepted the competence of the Inter-American Commission to receive and analyze this type of case for such a claim to be filed.



**Ratifications:** As of September 2020, [7 States are party to the treaty](#).

**Highlights:** This treaty, the first regional instrument of its kind in the world, seeks to promote, protect and ensure equal recognition, enjoyment and exercise of all rights and freedoms by persons aged 60 or older, in accordance with certain general principles: dignity, independence, proactivity, and autonomy; participation, integration, and full and effective inclusion in society; proper and differentiated treatment, and preferential care, among others. The treaty protects a wide range of civil, political, economic, social, cultural, and environmental rights. It also refers to a wide range of grounds, besides age, that can cause multiple discrimination.

**Monitoring:** Inter-American Commission and Court. Notably, States have to expressly accept the Court's jurisdiction over individual complaints, and States also must expressly accept the Commission's competence to consider inter-State petitions. Article 36 of the treaty notes that such monitoring will take into "consideration ... the progressive nature of the observance of the economic, social and cultural rights protected under this Convention."

States Parties may consult the Inter-American Commission on questions related to the effective application of this treaty, including asking for technical cooperation, to the extent that the Commission is able to provide it.

States Parties commit to submit periodic reports on their progress in complying with their commitments under this treaty. Reports will be evaluated by a Follow-up Mechanism of the Inter-American Convention on Protecting the Human Rights of Older Persons.

## Inter-American Commission on Human Rights

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There are a few key ways that the Inter-American Commission promotes and protects human rights within the region:

- ▶ Processing **communications** alleging violations of human that have already or could imminently take place within the territories controlled by OAS Member States, which include inter-State cases, individual petitions and cases, and precautionary measures.
- ▶ **Monitoring** the human rights situation in all OAS Member States, through the combined use of its different monitoring mechanisms.
- ▶ Advising OAS Member States on human rights matters, including **providing technical assistance**.

In addition, members of the Commission and Secretariat frequently impart numerous trainings for State authorities and civil society and participate in roundtables, expert meetings and academic conferences throughout and outside the Americas to promote respect for human rights.

In 2018, the Commission established the **Rapid and Integrated Response Coordination Units** (SACROI, for their acronym in Spanish) to improve coordination in the combined use of its different mechanisms and to ensure a more timely and appropriate institutional response during particularly complex situations, like national crises<sup>15</sup> or the COVID-19 pandemic.<sup>16</sup>

This section will examine the Commission's primary working methods. Chapter 2 will discuss how civil society can engage with the Commission.

## ■ At a Glance: Inter-American Commission

**Website:** <http://www.oas.org/en/iachr/default.asp>

**Treaty Monitored:** All human rights instruments discussed earlier in Inter-American Human Rights Treaties.

**Mandate:** The Commission is an independent body of the OAS. Its key functions are to promote and protect human rights in the Americas and to advise the OAS on human rights.

Detailed information about its mandate and working methods are outlined in the American Convention, in Commission's Statute, available here: <http://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp>, and in the Rules of Procedure of the Inter-American Commission, available here: <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.

**Composition:** The Commission is made up of 7 independent experts, known as Commissioners, who are elected by the OAS General Assembly to serve 4-year terms. Commissioners must be nationals of OAS Member States and should be persons of high moral character and recognized human rights knowledge. Although Commissioners serve as individuals rather than representatives of their State, they are not usually involved in matters related to their own countries.

The current composition is available at:  
<http://www.oas.org/en/iachr/mandate/composition.asp>.

**Sessions:** The Commission is not a permanent body, but rather meets during periodic sessions, typically four times per year, in its headquarters in Washington, D.C., USA or in the territory of an OAS Member State. During these sessions, the Commission holds both public hearings (as discussed in more depth in "[Thematic Hearings](#)") and private discussions (e.g. about ongoing cases, petitions, or other human rights issues). The Commission may schedule general dialogues with civil society during its sessions, and advocates may also request informal private meetings with Commissioners or Special Rapporteurs. The Commission issues a press release after every period of sessions, summarizing its private and public activities.

The calendar of sessions is available at:  
[http://www.oas.org/en/iachr/media\\_center/calendar.asp](http://www.oas.org/en/iachr/media_center/calendar.asp).

**Secretariat:** Made up of an Executive Secretary, at least one Assistant Executive Secretary, and staff members, the Secretariat is a permanent entity that supports the work of the Commission. The Secretariat prepares draft reports, resolutions, and studies; receives and processes the Commission's correspondence, petitions and communications; and may also request relevant information from interested parties.

Information about the Secretariat is available at:  
<http://www.oas.org/en/iachr/mandate/staff.asp>.

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[cidhdenuncias@oas.org](mailto:cidhdenuncias@oas.org) (claims for human rights violations)

The Commission has social networks<sup>17</sup> and an e-mail distribution list:  
[http://www.oas.org/en/iachr/media\\_center/subscribe.asp](http://www.oas.org/en/iachr/media_center/subscribe.asp).

## ■ Communications

### Individual Petition and Case System

The Inter-American Commission receives and analyzes complaints—also called petitions—that a State has violated rights by the **American Convention** (for States that have ratified it); the **American Declaration** (for States that have not ratified the Convention), and other regional human rights treaties. The Commission will study the specific facts and decide whether a State—not the government or individual persons—has violated its treaty obligations. If the Commission finds a violation, it will issue recommendations on measures the State should take to remedy the situation.<sup>18</sup>

A State can be held responsible for violations of its human rights obligations for:

- ▶ Actions or omissions by any branch of government (executive, legislative, judicial), at any level (local, state/province, federal);
- ▶ Actions by government officials, acting either in their official capacity or outside the limits of their official duties;
- ▶ Actions by private individuals and non-state actors, where the State tolerates, knows or should have known of the actions.

The process that a petition follows within the Inter-American Commission is very similar regardless of whether the relevant State has ratified the American Convention or not. The main difference is that cases based only on the American Declaration cannot be submitted to the Inter-American Court.

**Who may file a petition before the Inter-American Commission?** Any person, group of persons, or non-governmental organization (NGO) legally recognized in one or more OAS Member States; on their behalf or on behalf of third persons. The petitioner may designate an attorney or other person to represent them before the Commission, but it is not necessary to have legal representation to file a petition.<sup>19</sup>

Petitions go through the following stages of being processed:

1. **Initial Review:** The Secretariat reviews whether the petition meets the minimum requirements for a petition to be considered (see text box on following page).
  - ▶ If a petition does not immediately meet these requirements, the Secretariat may ask the petitioner to complete the missing information. If the requirements are not met, the petition will not be open for processing.

### Minimum Requirements for a Petition to be Considered by the Inter-American Commission

- ▶ Name of the person or persons presenting the petition (**petitioner**); if the petitioner is an NGO, the name of its legal representative and the OAS Member State in which it is legally constituted;
- ▶ Whether the petitioner (if different from the victim) wishes that their **identity be withheld** from the State, and the reasons;
- ▶ **E-mail address** for receiving correspondence from the Commission and, if available, a telephone number, fax number, and postal address;
- ▶ An account of the **facts or situation denounced as a human rights violation**, specifying the place and date they occurred; it is possible, but not necessary to make specific reference to the article(s) of the relevant Inter-American treaties alleged to have been violated;
- ▶ If possible, the **name of the victim** (or victims) and of any **public authority** who has been made aware of the facts or situation alleged;
- ▶ The **State** the petitioner considers responsible, by act or omission, for the human rights violations;
- ▶ Any steps taken to **exhaust domestic remedies** (meaning steps to allow the relevant State to fix the situation at the national level, before an international process). There are a few exceptions:
  - If it would be impossible for the State to remedy the situation (e.g., because its laws do not provide adequate or effective protection of the rights that were violated);
  - If the person has been denied access to these remedies or has been prevented from exhausting them; or
  - If there has been an unwarranted delay in the resolution of these remedies.
- ▶ That the petition is **filed within 6 months** of the date on which the victim was notified of the decision that exhausted the domestic remedies; or, within a reasonable period of time, if one of the exceptions to the requirement of prior exhaustion of domestic remedies applies.
- ▶ An **indication of whether the complaint has been submitted to another international settlement proceeding**. The Commission requires that the issue raised in this petition (same person, facts, and legal demands) is not pending or has not already been resolved either by the Commission itself in another petition or, e.g., by a U.N. Treaty Body. The Commission may still examine the petition in a few special instances:
  - if the petitioner before it is the direct victim (or relative), while the petitioner before the other body is a third party or NGO acting without a mandate from the victim (or relatives); or
  - if the process pending before the other body is limited to a general human rights examination in the State and there is no decision on the specific facts of the petition pending before the Commission, or it will not lead to effectively remedying the situation (for example, concluding observations of UN Treaty Bodies).

Additional details about the individual petition process, including additional details about these requirements, can be found in the Commission's [Petition and Case System: Informational brochure](#).

2. **Admissibility stage:** Petitions that meet the minimum requirements are opened for processing and given a petition number. The petition is sent to the State, who has 3 months to respond. The petitioner will then have the opportunity to reply to the State. The Commission may request additional information—in writing or in a hearing—from both sides as needed.
- ▶ If all the admissibility requirements are met, the petition will be declared **admissible**. If not, it will be declared **inadmissible**, which would end the international process.
  - ▶ Admissibility and inadmissibility reports are published in the Commission’s Annual Report and on the website.

### Requirements for a Petition to be Declared “Admissible”

For petitions to be declared admissible:

- ▶ The minimum requirements for consideration must be met.
- ▶ The facts tend to establish violations to rights protected by applicable Inter-American treaties.
- ▶ The statements must not indicate that the petition or claim is “manifestly groundless or out of order.”<sup>20</sup>

At this stage, the Commission also has to determine whether it is competent to review and analyze the petition, which requires that the:

- ▶ Victims of the violation are real and specific people (also referred to as *ratione personae*);
- ▶ Violations took place in a location under effective control of an OAS Member State (also referred to as *ratione loci*);
- ▶ Rights the petition alleges were violated are protected by the American Declaration, the American Convention, or other regional human rights treaties (also referred to as *ratione materiae*); and,
- ▶ Facts took place when the relevant treaty was in force (also referred to as *ratione temporis*).

Additional information about the admissibility requirements can be found in the Commission’s [Digest on Admissibility and Competence Criteria](#).

3. **Friendly settlements:** At any stage of the process, but before the Commission decides on the merits of a case, the parties can enter a **friendly settlement** negotiation. This means both parties try to negotiate a solution to the issues raised in the petition. The parties negotiate: **(1)** what human rights violations occurred in the specific case; **(2)** whether the State will be held responsible for them; and **(3)** the measures that the State commits to adopt in order to remedy the situation.
- ▶ Both parties have to consent in order to start and continue in this process.
  - ▶ The Commission supervises and may convene the parties to private working meetings during its periods of sessions. If the parties reach an agreement, the Commission will monitor compliance with the commitments and, when they have been fully or mostly complied with, will adopt a **Friendly Settlement Report**, approving the agreement and ending the international process.
  - ▶ The report will be published in the Commission’s Annual Report and website. To promote the use of friendly settlements, the Commission has issued a [handbook](#), a report on their [impact](#), and a series of videos (in Spanish) explaining the [mechanism](#) and its [impact](#), and giving [examples](#).

4. **Merits stage:** Petitions that are declared admissible become cases (given a case number, as opposed to its previous petition number). If no friendly settlement agreement is reached, cases are considered on the Merits. This means that the Commission will determine, based on the information that the petitioner and the State have provided, whether the facts of the case that have been established demonstrate that rights protected by the relevant Inter-American treaties have been violated.
- ▶ During this stage, petitioners have 4 months to present any additional evidence to support their claim that the facts do show a rights violation. The petitioner can also make suggestions for the types of measures that the Commission could recommend to the State to remedy the situation. The State will then have an opportunity to reply. The Commission may request additional information—in writing or in a hearing—from both sides as needed.
  - ▶ In exceptional cases, the Commission may combine its discussion and assessment of admissibility and merits.
  - ▶ The Commission will adopt a **Merits Report** with its conclusion on whether or not the facts are human rights violations.
    - Where no violation is found, the Commission will note this in its report, notify the parties, and publish the report in its Annual Report and website, ending the international process.
    - If the Commission finds **one or more violations** for which the State is responsible, it will share a preliminary, confidential merits report with the State with recommendations on how to remedy the situation.<sup>21</sup> The State has 3 months to inform on measures adopted to comply with the recommendations.

#### **Resources Available during the Merits Stage of a Case before the Inter-American Commission**

- ▶ **Inter-American Public Defense:** Victims with complex cases, scarce economic resources, no legal representation (by a lawyer, law firm, NGO, etc.) may be able to get legal assistance from the Inter-American Association of Public Defenders (AIDEF, for its acronym in Spanish).  
Website: <http://aidef.org>  
Social networks: Facebook ([@aidefofficial](https://www.facebook.com/aidefofficial)) and Twitter ([@AIDEFOficial](https://twitter.com/AIDEFOficial))
- ▶ **Legal Assistance Fund:** The Commission administers this resource to help victims with costs related to the production of evidence before the Commission (e.g. to obtain documents or for witnesses to attend hearings). More information about this fund can be found here: <http://www.oas.org/en/iachr/mandate/Basics/fund.asp>.

5. **Final report or referral to Court:** The Commission's options where the merits report identifies one or more violations depends on whether the State has ratified the American Convention.
- ▶ For countries that **have not ratified** the American Convention, the Commission may issue a final report, which will be sent to the parties to share information on the status of compliance with the final recommendations. The Commission will evaluate the compliance status and may publish the **final merits report** in its Annual Report and on the website.

**Excerpt from a Final Merits Report: Jessica Lenahan (Gonzales) et al. v. United States,  
Inter-American Commission on Human Rights, Case No. 12.626,  
Final Merits Report (July 21, 2011)**

“137. Considering the specific circumstances of this case, the Commission proceeds to review: i) whether the state authorities at issue should have known that the victims were in a situation of imminent risk of domestic violence; and ii) whether the authorities undertook reasonable measures to protect them from these acts.  
(...)”

142. The Commission considers that the issuance of a restraining order signals a State's recognition of risk that the beneficiaries would suffer harm from domestic violence on the part of the restrained party, and need State protection. This recognition is typically the product of a determination from a judicial authority that a beneficiary – a woman, her children and/or other family members – will suffer harm without police protection. The United States itself acknowledges in its pleadings that it has adopted a series of measures at the federal and state levels to ensure that protection orders are effectively implemented by the police, since they represent an assessment of risk and a form of State protection.  
(...)”

145. In light of this judicial recognition of risk, and the corresponding need for protection, the State was obligated to ensure that its apparatus responded effectively and in a coordinated fashion to enforce the terms of this order to protect the victims from harm. This required that the authorities entrusted with the enforcement of the restraining order were aware of its existence and its terms; that they understood that a protection order represents a judicial determination of risk and what their responsibilities were in light of this determination; that they understood the characteristics of the problem of domestic violence; and were trained to respond to reports of potential violations. A proper response would have required the existence of protocols or directives and training on how to implement restraining orders, and how to respond to calls such as those placed by Jessica Lenahan.  
(...)”

170. Based on these considerations, the Commission holds that the systemic failure of the United States to offer a coordinated and effective response to protect Jessica Lenahan and her daughters from domestic violence, constituted an act of discrimination, a breach of their obligation not to discriminate, and a violation of their right to equality before the law under Article II of the American Declaration. The Commission also finds that the State failure to undertake reasonable measures to protect the life of Leslie, Katheryn and Rebecca Gonzales, and that this failure constituted a violation of their right to life established in Article I of the American Declaration, in relation to their right to special protection contained in Article VII of the American Declaration.  
(...)”

## **VI. RECOMMENDATIONS**

201. Based on the analysis and conclusions pertaining to the instant case, the Inter-American Commission on Human Rights recommends to the United States:

1. To undertake a serious, impartial and exhaustive investigation with the objective of ascertaining the cause, time and place of the deaths of Leslie, Katheryn and Rebecca Gonzales, and to duly inform their next-of-kin of the course of the investigation.
2. To conduct a serious, impartial and exhaustive investigation into systemic failures that took place related to the enforcement of Jessica Lenahan's protection order as a guarantee of their non-repetition, including performing an inquiry to determine the responsibilities of public officials for violating state and/or federal laws, and holding those responsible accountable.
3. To offer full reparations to Jessica Lenahan and her next-of-kin considering their perspective and specific needs.
4. To adopt multifaceted legislation at the federal and state levels, or to reform existing legislation, making mandatory the enforcement of protection orders and other precautionary measures to protect women from imminent acts of violence, and to create effective implementation mechanisms.

A link to the full text of this decision can be accessed here:

<https://www.oas.org/es/cidh/decisiones/2011/uspu12626es.doc>.



- ▶ For countries that **have ratified** the American Convention and **accepted the jurisdiction of the Inter-American Court**, the Commission may decide to submit the case to the Court. To inform this decision, the Commission will:

- Ask petitioners to present **(1)** their position and that of the victims (or relatives) on whether the case should be sent to the Court, **(2)** the reasons to refer the case to the Court, and **(3)** the claims regarding reparations and costs;
- Evaluate whether the State has adopted measures to comply with its recommendations; and
- Consider the need of the specific victims to obtain justice.

If the State has not complied with the recommendations and justice has not been served, the Commission will usually **refer the case to the Court**. The Commission will also publish the merits report and then the case will proceed through the Court (as discussed in the section on the Inter-American Court's Cases). If the Commission decides not to submit the case to the Court, it will evaluate the compliance status and may publish the **final merits report** in its Annual Report and on the website.

6. **Follow-up:** The Inter-American Commission follows-up on compliance with its recommendations issued in merits reports, as well as on compliance with friendly settlement agreements by: **(1)** requesting information from both parties on the status of compliance of the recommendations or agreements and/or **(2)** convening the parties to private working meetings during its periods of sessions. The Commission publishes information on the status of compliance of these recommendations and agreements in its Annual Reports and in its website. It has also adopted a set of [General Guidelines on the Follow-up of Recommendations and Decisions](#).

### **Expedited processing of petitions before the Inter-American Commission**

Petitions are generally studied in the order in which they are received, but the Commission may decide to **expedite the initial review** (also known as *per saltum*) when:

- ▶ The passage of time could make the petition ineffective (for example, in cases involving older persons, children, terminally ill persons, when the death penalty could be applied, or when the petition is connected to a precautionary or provisional measure);
- ▶ The victims are persons deprived of liberty;
- ▶ The State formally expresses its intention to enter a friendly settlement negotiation;
- ▶ The Commission's decision could have the effect of repairing serious structural situations that would have a broader impact in the enjoyment of human rights; or,
- ▶ The Commission's decision could promote changes in legislation or state practices and avoid the reception of multiple petitions on the same matter.<sup>22</sup>

The Commission may also **expedite the Admissibility stage** when:

- ▶ The life or personal integrity of a person is in real and imminent danger, the Commission will request the promptest reply from the State. In these situations, it may also request that the State present its observations on both the admissibility and the merits of the petition. The Commission will set a reasonable deadline, depending on the circumstances of each case.



## Precautionary Measures

The Inter-American Commission can require any of the 35 OAS Member States to adopt [precautionary measures](#), meaning urgent actions to protect human rights from being seriously violated, in an irreparable manner. Precautionary measures may be issued:

- ▶ In relation to a pending petition or case, to protect:
  - Persons or groups of persons (who must be identified or be identifiable based on geographic location, membership in an association, community, or organization).
  - The object of the pending petition or case.
- ▶ Separately from the individual petition and case system.

As with petitions, precautionary measures may be requested by any person, group of persons, or NGO legally recognized in one or more OAS Member States, on their own behalf or on behalf of a third party. Before deciding to adopt precautionary measures, the Commission will usually request information from the relevant State. It may also request additional information from the petitioners; if petitioners fail to respond, it may decide to discontinue processing the request. The Commission will publish decisions about precautionary measures on its [website](#).

The Commission **monitors compliance** of its precautionary measures, and includes precautionary measures within its [General Guidelines on the Follow-up of Recommendations and Decisions](#).

In particularly serious situations or when precautionary measures have not been effective, the Commission may ask the Court to adopt **Provisional Measures**. Such a request is only possible in situations where the State has ratified the American Convention and expressly accepted the competence of the Inter-American Court. The Commission's precautionary measures remain in effect until the Court's decision. If the Court rejects the request, the Commission will not consider precautionary measures again, unless new facts justify it.

## ■ Mechanisms to monitor the human rights situation

### Country Rapporteurships

Each OAS Member State has a designated rapporteur. In this role, Commissioners pay special attention to the human rights situation of the countries they are assigned, report to the Commission at least once a year on their monitoring and follow up activities, and may alert the full Commission to emerging issues that could be of special interest to the Commission. **Country rapporteurs** can carry out working visits to the countries to follow-up on recommendations and to observe the human rights situation.

The current composition of country rapporteurships is available at:  
<http://www.oas.org/en/iachr/mandate/composition.asp#tab3>.

### Thematic Rapporteurships and Units

The Inter-American Commission may also create rapporteurships with mandates linked to themes of special interest, including for instance, women, persons with disabilities, and indigenous peoples. **Thematic rapporteurships** help strengthen and systematize the Commission's work on these issues, support the development of relevant legal standards, promote access to national and international justice for the persons/groups covered by their mandate, and collaborate with UN mechanisms, civil society, States, academia, and other relevant actors. Rapporteurs can ask States to provide information on the measures they are adopting in that area of human rights, issue recommendations to progressively improve

human rights, and carry out working visits to countries to follow-up with recommendations and to observe the human rights situation.

Thematic rapporteurships are usually distributed among the Commissioners, but the Commission can create **Special Rapporteurships**, which may be assigned to experts who are not Commissioners. [Special Rapporteurs](#) have full-time dedication, and are selected through a public process, for a 3-year period (renewable once); they coordinate their work with the Commission, country rapporteurs, and the Secretariat.

The current composition of thematic and special rapporteurships is available at: <http://www.oas.org/en/iachr/mandate/composition.asp#tab3>.

The Commission has also created **thematic units**, which are usually a preliminary step to the eventual creation of a Rapporteurship. For example, the Rapporteurship on the Rights of Persons with Disabilities started out as a Thematic Unit.<sup>23</sup> In their day-to-day operations, units and rapporteurships are not very different. Both have a designated Commissioner and at least one member of the Secretariat supporting it, but a rapporteurship can give more visibility to the issue, which can lead to increased attention and financial resources for its work.

One of the main work products of rapporteurships and units are **thematic reports**. Recent reports include a report on [good practices and challenges to address violence and discrimination against women, girls and adolescents across the region](#); a [Compendium of Inter-American Standards on Equality and Non-Discrimination](#); and a report on [Recognition of the Rights of LGBTI Persons](#).

The Commission's thematic reports are available at: <http://www.oas.org/en/iachr/reports/thematic.asp>.

**Excerpt: Report on Violence and discrimination against women, girls and adolescents: good practices and challenges in Latin America and the Caribbean, Annex 1: Standards and Recommendations**

"According to what has been established by the Committee on the Rights of Persons with Disabilities (...), women with disabilities can be at heightened risk of experiencing violence and abuse as a result of their situation of disability. In particular, harmful stereotypes, among other perceptions, infantilize women with disabilities, perpetuate stereotypical views on their sexuality, and call into question their ability to make decisions. In this regard, the Commission has documented that the persistence of gender stereotypes added to stereotypes about disability generate obstacles for the political participation of women, for their labor autonomy and for the exercise of their sexual and reproductive rights."

The full text of the report is available (in Spanish only) here:

<http://www.oas.org/es/cidh/informes/pdfs/violencia-discriminacion-mujeres-Anexo1-es.pdf>.

## **Country Visits and Reports**

Commissioners, Special Rapporteurs and the Secretariat may conduct **country visits** to OAS Member States, with consent or by invitation of the government. These may take the form of **(1)** on-site, also known as *in situ* or *in loco* visits (with the participation of at least two Commissioners); **(2)** working visits (carried out by a Commissioner in their capacity as Country or Thematic Rapporteur); or **(3)** technical visits (conducted by the Secretariat).

During these visits, the Inter-American Commission representatives meet with State authorities from all

branches of government, autonomous institutions, civil society, victims of human rights violations, and other relevant actors. Immediately after an on-site visit, the Commission issues a press release with its preliminary observations and, a few months later, a full country report (sometimes accompanied by a multimedia site).

In general, country visits and **country reports** cover the overall human rights situation of the country, but they can also focus on topics of particular concern. The Commission can also issue a country report without a country visit, where a State repeatedly delays, ignores, or rejects its requests for a visit. In these cases, the Commission bases its reports on the information received from its other mechanisms, information received by the State (if any), and publically available information from reliable sources. Once the Commission has prepared a draft country report, the State has an opportunity to submit its observations; the Commission then decides whether to maintain or modify its report and how to publish it. If the State does not submit observations by the deadline, the Commission may publish the report.

Information about completed country visits is available at:

<http://www.oas.org/en/iachr/activities/countries.asp>.

Country reports are available at: <http://www.oas.org/en/iachr/reports/country.asp>.

### **Thematic Hearings**

The Inter-American Commission holds hearings during its sessions. These hearings can be at the request of an interested party or initiated by the Commission itself. The Commission holds **thematic hearings** to receive information on general or specific human rights situations in one or more OAS Member States. Thematic hearings are usually public, but the Commission may decide, on its own initiative or at the request of an interested party, to hold a private hearing.

Thematic hearings are broad in scope. Geographically, a hearing may refer to a single OAS Member State, to a specific sub-region within the Americas, or to the Americas as a whole. Thematically, hearings can explore, among others, the general human rights situation within a single country, a specific human rights issue within a single country, or a specific human rights issue affecting a particular group in one or more States (including throughout the entire region). However, thematic hearings should not refer to Individual Petitions/Cases or Precautionary Measures that are pending before the Commission.

The Commission's website has a Multimedia Section with photos, videos, and audios of most of its past hearings: <http://www.oas.org/es/cidh/multimedia/sesiones/default.asp>.

The website also offers an Advanced Search Tool for past hearings: <http://www.oas.org/es/cidh/audiencias/advanced.aspx?lang=en>. For example, the Commission held a [hearing](#) in 2018 on the "Sexual and Reproductive Rights of Women and Girls with Disabilities in the Americas."

The hearings related to the rights of persons with disabilities previously held by the IACHR are available here: <http://www.oas.org/es/cidh/audiencias/topicslist.aspx?lang=en&topic=44>.

### **Resolutions**

The Inter-American Commission also issues different types of **Resolutions**, based on its power to "make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights."<sup>24</sup> For example, it recently issued [Resolution 1/2020](#), "Pandemic and Human Rights in the Americas," which including specific recommendations regarding persons with disabilities.

The Commission's Resolutions are available at: <http://www.oas.org/en/iachr/decisions/resolutions.asp>.

### **Press Releases**

The Inter-American Commission and the Special Rapporteurs issue **press releases**. Press releases are used to express concern over human rights situations, acknowledge good practices and advances in States, share information about the Commission's technical cooperation and promotion activities, or highlight developments in the way the Commission conducts its work. Press releases are a fundamental tool to alert national authorities of on-going or potential human rights violations, to disseminate human rights-related information to the general population, and to advise on the Commission's activities. In this way, they work both as a mechanism to monitor and to promote human rights. On occasion, the Commission issues **joint press releases** with special rapporteurs, working groups, and independent experts of the U.N. or other regional systems.

Press releases are available at: [http://www.oas.org/en/iachr/media\\_center/press\\_releases.asp](http://www.oas.org/en/iachr/media_center/press_releases.asp).

### **Requests for Information to States**

The Inter-American Commission and the Special Rapporteurs may present **direct requests for information** to all OAS Member States on general human rights matters or on specific issues of concern. This is a confidential process, involving only the Commission and the relevant State. In recent years, the Commission began publishing a list of the information requests made throughout the prior year in its Annual Report. For example in 2019, the Commission asked the United States to provide it with information on a situation involving a woman with disabilities who gave birth to her daughter in a detention center.<sup>25</sup> The Commission's requests for information to States are published in its Annual Reports.

### **Annual Reports to the OAS General Assembly**

The Inter-American Commission presents an annual report to the OAS General Assembly on its activities regarding all OAS Member States. In preparing its Annual Report, the Commission relies on "reliable and credible information" from official acts and documents of all levels and branches of government, information available through from individual petitions/cases and precautionary measures, information obtained through any the Commission's monitoring mechanisms, conclusions of other international human rights bodies, experts, or agencies, human rights reports issued by government and regional organs, reports and information presented by civil society and private individuals, and, public information widely disseminated in the media.

The Commission's Annual Reports are available at: <http://www.oas.org/en/iachr/reports/annual.asp>.

## Human Rights Trends and Situations Requiring Special Attention—Chapter IV of the Annual Report

In addition to reporting on its annual activities, the Annual Report dedicates Chapter IV to discussing the human rights situation in OAS Member States. Chapter IV.A describes the human rights trends and developments in the region as a whole, while Chapter IV.B (commonly known as the “black list”) contains special reports on countries with particularly serious human rights concerns. A country may be included in Chapter IV.B for several reasons. For example:

- ▶ A serious breach of [the Inter-American Democratic Charter](#) (e.g. serious alteration of the constitutional regime or coup d'états).
- ▶ Unlawful suspension of the rights protected by the American Convention or Declaration.
- ▶ Commission of massive, serious and widespread human rights violations.

Advocates can specifically request that the Commission include a State in Chapter IV.B, though the threshold for including States in this chapter is quite high.

### Follow-up to Recommendations: Inter-American SIMORE

In mid-2020, the Inter-American Commission launched the [Inter-American SIMORE](#), a tool that systematizes its recommendations issued in approved friendly settlement agreements, annual reports (Chapter IV.B), published merits reports, country reports, and eventually, thematic reports and granted precautionary measures. The tool allows people to search through these recommendations using different filters. Interested parties can register to contribute information on compliance (discussed in more detail in Chapter 2).

### ■ Technical Assistance to OAS Member States

The Inter-American Commission provides technical assistance to OAS Member States either at their express request or as a product of its regular work. For example, regionally, it is providing tools to government authorities by issuing **practical guidelines** alongside some of its thematic reports, such as the [Guidelines for the formulation of public policies on internal displacement](#), the [Practical Guide to Reduce Pre-trial Detention](#), and the thematic report on [Public Policy with a Human Rights Approach](#).

The Commission has recently established **Interdisciplinary Groups of Independent Experts (GIEI**, for the acronym in Spanish) and [Special Monitoring Mechanisms](#) to provide technical assistance to specific countries. These mechanisms developed as a result of Commission resolutions, special agreements between the relevant parties, and practice. The first GIEI and Special Monitoring Mechanism developed in response to Mexico's request for technical assistance to implement the Commission's precautionary measures in favor of 43 students disappeared in the state of Guerrero in 2014. The Commission and the parties agreed on the GIEI's mandate, which included formulating recommendations on searching for the disappeared, investigative lines, establishment of criminal responsibilities, and reparations for the victims.<sup>26</sup> Because these recommendations would need follow-up, the Commission and the parties agreed to establish a Special Monitoring Mechanism.<sup>27</sup> Since then, the Commission has established other GIEIs and Special Monitoring Mechanisms, with different mandates depending on the specific circumstances.

## Inter-American Court of Human Rights

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The Inter-American Court's primary function is as a regional human rights tribunal that issues decisions interpreting and applying the American Convention and other Inter-American human rights treaties. In particular, the Court may:

- ▶ **Hear cases and issue decisions** in either inter-State<sup>‡</sup> or individual cases, also referred to as **contentious cases**;
- ▶ Adopt **provisional measures** in urgent situations; and
- ▶ **Issue advisory opinions** interpreting the American Convention and other treaties as they relate to human rights protection in the Americas, including by analyzing the compatibility of national laws with these treaties.

This section will examine the Court's primary working methods. Chapter 2 will discuss how civil society can engage with the Court.

### ■ At a Glance: Inter-American Court

**Website:** <https://www.corteidh.or.cr/index.cfm?lang=en>

**Treaty Monitored:** All human rights instruments discussed earlier in Inter-American Human Rights Treaties.

**Mandate:** The Inter-American Court is a regional human rights tribunal whose key function is to interpret and apply the American Convention. The mandate of the Court is more narrow than that of the Commission, as it only has competence over human rights issues arising in OAS Member States that have ratified the American Convention and expressly accepted the Court's jurisdiction. As of September 2020, the Convention has been ratified by 23 countries, but only 20 have recognized the Court's jurisdiction.

Detailed information about its mandate and working methods are outlined in the American Convention, in the Court's Statute, available here: <https://www.corteidh.or.cr/estatuto.cfm?lang=en>, and in the Rules of Procedure of the Inter-American Commission, available here: <https://www.corteidh.or.cr/reglamento.cfm?lang=en>.

**Composition:** The Court is made up of 7 judges who are elected by the OAS General Assembly to serve 6-year terms. Judges must be nationals of OAS Member States who are parties to the American Convention. Judges should be jurists of the highest moral authority, with recognized human rights knowledge and qualifications for the highest judicial functions in their own State or in the State that proposed them as candidates. Although Judges serve in their individual capacity rather than as representatives of their State, the Court's rules prevent Judges from participating in matters related to their own countries.

The current composition of the Court is available at:  
<https://www.corteidh.or.cr/composicion.cfm?lang=en>.

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<sup>‡</sup> While inter-State cases could be brought before the Inter-American Court—referred by the Inter-American Commission or a State, this has not happened as of September 2020.



**Sessions:** The Court is not a permanent body, but rather meets in regular and extraordinary sessions, either at its seat in San Jose, Costa Rica or in the territory of an OAS Member State. The Court holds periods of sessions as necessary for the exercise of its functions; in recent years, it has met between 5-9 times a year. During its sessions, the Court holds public or private hearings on cases, provisional measures, and advisory opinions, private discussions on cases, provisional measures, and advisory opinions, meetings with national and international authorities, signings of institutional cooperation agreements, and other administrative meetings. The Court issues a [press release](#) before and after every period of sessions announcing its activities.

The calendar of sessions is available at:  
[https://www.corteidh.or.cr/periodo\\_de\\_sesiones.cfm?lang=en](https://www.corteidh.or.cr/periodo_de_sesiones.cfm?lang=en).

**Secretariat:** Made up of a Secretary, an Assistant Secretary, and staff members, the Court's Secretariat is a permanent entity that supports the work of the Court. The Secretariat processes all correspondence, attends Court meetings and keeps minutes, and notifies all Court decisions.

The composition of the Secretariat is available in the Court's [Annual Reports](#).

**Contact Details:** Corte Interamericana de Derechos Humanos  
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San Jose, Costa Rica  
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E-mails: [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr) (general administrative matters),  
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[tramite@corteidh.or.cr](mailto:tramite@corteidh.or.cr) (processing of cases, provisional measures, and advisory opinions),  
[biblioteca@corteidh.or.cr](mailto:biblioteca@corteidh.or.cr) (library).

The Court has social networks<sup>28</sup> and an e-mail distribution list:  
<https://www.corteidh.or.cr/servicios-de-informacion.cfm>.

## ■ Individual Cases

The Inter-American Court can only hear cases that are referred to it by the Inter-American Commission or by a State (in practice, only the Commission refers cases). This means that individuals and NGOs may not file cases directly with the Court. The Court will study the specific facts and decide whether a State—not the government or individual persons—has violated its treaty obligations. The Court will issue a legally binding (mandatory) judgment with its decision.

At any point of the proceedings, but before the Court's judgment, the parties may reach a **friendly settlement agreement**, in which case the Court will analyze its admissibility and legal effects.

The process of a case begins with the Commission's **submission of the case to the Court**. The Commission will send to the Court its merits report and the entire case file of the process before the Commission, among other items. The Court's President conducts a **preliminary review** of the submission and, if all

requirements are met, it notifies the case to the alleged victims or their representatives.

Once the case has been notified, the victims (through their representatives) acquire legal standing, and may now directly present their briefs to the Court. Victims have 2 months to submit their brief containing **pleadings, motions, and evidence**. The State then has an opportunity to respond and to file **preliminary objections**, meaning arguments stating that the Court does not have the competence (or authority) to hear this case. If the State files preliminary objections, the victims and the Commission may present observations responding to these objections.

### Resources available to victims in cases before the Inter-American Court

- ▶ **Inter-American Public Defense:** Victims who are acting without legal representation may be able get legal assistance from the Inter-American Association of Public Defenders (AIDEF), as with victims in cases before the Commission.
- ▶ **Victim's Legal Assistance Fund:** The Court administers this resource to help victims with costs related to the production of evidence before the Court (e.g., documents or for witnesses to attend hearings).

More information about this fund can be found here:

[http://www.corteidh.or.cr/docs/regla\\_victimas/victimas\\_eng.pdf](http://www.corteidh.or.cr/docs/regla_victimas/victimas_eng.pdf).

The Court's President then decides whether or not to accept the **evidence** (testimonies and expert declarations) offered by the Commission and the parties. Based on the evidence, the President of the Court will issue a resolution determining whether or not to convene a **hearing** and establishing the date for the parties and the Commission to present their **final written submissions**. The resolution is notified to the parties and the Commission and published in the Court's [website](#).

At a **hearing**, the Commission will present its reasons for submitting the case. The hearing will also include declarations from the victims, witnesses, and expert witnesses (in that order), who may be interrogated (asked questions) by the parties, the Commission (if authorized), and the Court. The parties present their oral arguments and rebuttals. The Commission will present its oral observations. Finally, the Court asks questions to the parties and the Commission, which may be answered during the hearing or through the final written submissions. The Court may ask the parties, the Commission, or domestic authorities to supply it with **additional information or evidence**.

The Court will then issue a **judgment**, with its reasoning and its decision on whether the State can be held responsible for the human rights violations. If the Court finds a violation, It will order the State to take steps to repair those violations. The judgments are binding (mandatory) and final (cannot be appealed), but the parties may request an interpretation on the meaning or scope of their content. The judgment is notified to the parties and the Commission and published in the Court's [website](#).

States commit to comply with the Court's judgments. The Court **monitors compliance** with its orders, and will only close a case once all reparations have been complied with. The Court does this monitoring through written briefs of the parties and the Commission, it may also obtain information from other sources (like National Human Rights Institutions), and may convene public or private hearings. The Court adopts compliance resolutions, which are notified to the parties, and published in its [website](#). Where States persistently fail to comply, the matter is referred to the OAS General Assembly.



**Excerpt from Inter-American Court of Human Rights, Case of Furlan and family v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 31, 2012. Series C No. 246.**

“269. The Court has referred to the highly vulnerable situation of Sebastián Furlan, as a minor with a disability, living in a family with limited financial resources, for which reason the State was required to adopt all adequate and necessary measures to address such a situation. Indeed, it has been mentioned that the State has a duty to ensure the promptness in the civil proceedings, on which greater opportunities for rehabilitation depended. ... The[] elements show that that there existed de facto discrimination associated with the violations of the right to a fair trial, judicial protection and right to property already declared. Also, bearing in mind the facts outlined in the chapter on the legal effects caused to Sebastián Furlan in the context of the civil trial ..., as well as the impact that denying him access to justice had on his possibility of obtaining adequate rehabilitation and health ..., the Court considers that the violation of the right to personal integrity has, in turn, been proven. Therefore the Court declares that the State failed to comply with its obligation to guarantee, without discrimination, the right to access to justice under ... the American Convention....

(...)

335. Therefore, (...)

THE COURT

(...)

ORDERS (...)

3. The State shall establish an interdisciplinary group which, taking into account the opinion of Sebastián Furlan, shall determine the measures of protection and assistance that would be most appropriate for his inclusion in the social, educational, vocational and employment spheres....

(...)

5. The State shall adopt the measures necessary to ensue that as soon as a person is diagnosed with serious problems or consequences related to a disability, that person or his family shall be provided with a charter of rights that summarizes in a concise, clear and easily understood manner the benefits provided under Argentine legislation (...).”

The full text of this decision can be found here:

[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_246\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_246_ing.pdf).

## ■ Provisional Measures

At any stage of the process of a **case already before the Court**, the Court may, on its own initiative or at the victims’ request, order the State to adopt provisional measures (protective measures), in situations of:

- ▶ Extreme gravity (meaning that it should be at its highest or most intense level);
- ▶ Urgency (meaning that the risk or threat should be imminent); and
- ▶ When necessary to avoid irreparable harm (there must be a reasonable probability that it will occur and that the risk is to rights that cannot be repaired) to:<sup>29</sup>
  - A person or group of persons related to the case (who must be identified or be identifiable based on geographic location, membership in an association, community, or organization); or
  - The object of the case pending before the Court.

The Court can also issue provisional measures in relation to **matters not yet under its consideration**, but only at the request of the Inter-American Commission in situations and only if the State has ratified the American Convention and expressly accepted the Court's competence. In these situations, the Court will assess not only the requirements of extreme gravity, urgency, and risk of irreparable harm, but also **(1)** the specific situation, **(2)** if the State has taken any action and, if so, whether it has been effective, and **(3)** the risk the potential beneficiaries would find themselves in without the provisional measures.

The Court may request additional information from the Commission, the State, or the proposed beneficiaries before deciding to adopt provisional measures. The Court will issue a resolution with its decision, which it will notify to the parties and the Commission, and publish in its [website](#) and its Annual Report. The Court will **follow-up on compliance** with the measures until it decides to lift them. The Secretariat published a [systematization](#) of provisional measures (only available in Spanish).

## ■ Advisory Jurisdiction

The Inter-American Court can also issue **authorized interpretations** of the American Convention or of other treaties related to human rights protection in the Americas. These may be requested by OAS Member States or by certain OAS organs, such as the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Juridical Committee, the General Secretariat, and the Inter-American Commission. OAS Member States can also ask the Court for its opinion on the **compatibility of their domestic laws** with the American Convention or other treaties related to human rights protection in the Americas.

Requests for advisory opinions should include the precise questions on which the opinion of the Court is sought. The Secretariat shares requests for advisory opinions with the relevant OAS organs; and they are also published in the Court's [website](#). Where the Court has admitted a request for an advisory opinion, the Court will receive comments from interested parties, including from civil society (discussed in more detail in Chapter 2). The Court will also publish Advisory Opinions on its [website](#). Judges may add their dissenting (disagreeing) or concurring (agreeing, but through different reasoning) opinions.

The Court will reject requests for advisory opinions that:

- ▶ Attempt to cover an individual case or intend to obtain an advanced positioning from the Court on matters that could eventually be submitted to it through an individual case.
- ▶ Intend to use the mechanism to obtain an indirect positioning from the Court on legally or politically controversial matters in an OAS Member State.
- ▶ Refer exclusively to matters on which the Court has already issued judgments.
- ▶ Seek to merely resolve factual matters.

Advisory opinions are important to help States better understand and comply with their regional human rights obligations. For example, a [2017 Advisory Opinion on Gender identity, and equality and non-discrimination with regard to same-sex couples](#) affirmed that the American Convention protects the rights of individuals to change their name, image, and stated sex or gender on identity documents to align with their self-perceived gender identity, and clarified that States must recognize this right and establish appropriate procedures to facilitate this. Advisory Opinions also inform all future related work of the Commission and Court.

## ■ Other Inter-American Court Communications and Activities

The Inter-American Court presents [Annual Reports](#) to the OAS General, which are also available on its

website. The Secretariat of the Court also regularly issues **press releases** on new judgments, cases closed after compliance, and on the Court's activities and periods of sessions, all available on the Court's [website](#).

The Court also engages in **dialogues** with the other regional human rights tribunals. The Judges and members of the Secretariat also frequently participate in roundtables, expert meetings and academic conferences, and impart **trainings** for State authorities, civil society, and academia on the Inter-American system and the Court's case law. The Court occasionally produces **publications**, such as case law handbooks by topic and maintains a [library](#) with an online catalog of human rights publications.

## Treaty-Specific Monitoring or Follow-up Mechanisms

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In addition to the Inter-American Commission and Inter-American Court, some of the human rights treaties in the Inter-American system have dedicated monitoring or follow-up mechanisms.

### ■ Working Group of the Protocol of San Salvador

**Website:** <http://www.oas.org/en/sare/social-inclusion/protocol-ssv/working-group.asp>

**Treaty Monitored:** Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”

**Composition:** The Working Group is made up of 7 members—4 government experts, 2 independent experts, and a representative of the Inter-American Commission.

The current composition of the working group is available here:

<http://www.oas.org/en/sare/social-inclusion/protocol-ssv/working-group.asp>

**Mandate:** The Working Group examines periodic reports submitted by States Parties on the measures adopted to implement the rights protected by the Protocol.

**State Reporting:** States submit reports every 3 years documenting the extent to which the Protocol has been implemented, as determined against a set of [progress indicators](#). For reporting purposes, two groups of rights were established: **(1)** the rights to health, social security, and education; and, **(2)** the rights to work and trade union rights; to adequate food, healthy environment, and to the benefits of culture. State reports should present information on how the rights are being implemented including with respect to: gender equity; groups requiring special attention (children, elderly, and persons with disabilities); and ethnic and cultural diversity, particularly regarding indigenous peoples and afrodescendents.

Guidance on preparing reports is available here:

<http://www.oas.org/en/sare/social-inclusion/protocol-ssv/docs/standards-preparation-wgpss.pdf>.

State Reports that have been submitted are available at:

<http://www.oas.org/en/sare/social-inclusion/protocol-ssv/reports.asp>.

**Civil Society:** Organizations may participate in the evaluation process, through [shadow reports](#).

**Highlights:** This [infographic](#) summarizes the basic information on economic, social, and cultural rights, the Protocol, the Progress Indicators, and the Working Group.

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General Secretariat Building  
[1889 F Street, N.W.](#)  
[Washington, D.C. 20006, USA](#)

Secretariat for Access to Rights and Equity: [SADyE@oas.org](mailto:SADyE@oas.org)

Department of Social Inclusion: [DIS@oas.org](mailto:DIS@oas.org)

Twitter: [@OAS\\_Inclusion](#)

## ■ Inter-American Commission of Women (CIM, for its acronym in Spanish)

**Website:** <http://www.oas.org/en/CIM/>

**Treaty Monitored:** Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Belém do Para Convention,” in addition to three treaties that are not part of the regional human rights framework this toolkit covers.

**Composition:** The CIM is made up of 34 Delegates, one for each active OAS Member State, appointed by their governments. These Delegates are usually the government authorities responsible for women’s and/or gender issues in their countries. The Assembly of Delegates (CIM’s highest authority) meets every two years to examine issues of regional concern and to propose and debate policy and solutions. The Assembly elects a 9-member Executive Committee that meets at least once a year to address and resolve more routine matters. Every four years, there is a Meeting of Ministers or of the Highest-Ranking Authorities responsible for the Advancement of Women in the Member States.

The current composition is available at:  
<http://www.oas.org/en/cim/members.asp>.

**Mandate:** The CIM is a regional inter-governmental agency that works to ensure recognition of women’s human rights. It supports OAS Member States in **(1)** their compliance with their international and regional commitments on women’s human rights and gender equity and equality, and **(2)** in their efforts to promote full and equal access, participation, representation, leadership, and influence of women in every sphere.

The CIM also promotes women’s participation and leadership in the planning and implementation of public policies and programs; advises the OAS in all matters related to women’s rights and gender equality; collaborates with Member States, other international organizations, civil society, academia, and the private sector in support of women’s rights and gender equality in the hemisphere; contributes to the development of international and regional jurisprudence on women’s human rights and gender equity and equality; fosters the drafting and adoption of regional instruments for the recognition of women as rights holders and agents of democracy; and promotes the adoption or reform of legal measures to eliminate all forms of discrimination against women. More information about the CIM is available at: <http://www.oas.org/en/CIM/about.asp>.

**Content of reports:** Not applicable.

**Frequency of reports:** Not applicable.

**Civil Society:** No specific information available.

**Highlights:** The CIM's Library is available at: <http://www.oas.org/en/cim/library.asp>.

**Contact Details:** Organization of American States  
General Secretariat Building  
[1889 F Street, N.W.](#)  
[Washington, D.C. 20006, USA](#)

The CIM has social networks<sup>30</sup> and an [e-mail distribution list](#).

### **Experts meet to establish a work path for women with disabilities victims and survivors of violence**

“Washington DC. On Monday, December 9, [2019], the Organization of American States (OAS) hosted the meeting of specialists “Accessibility barriers and women with disabilities victims and survivors of violence”, organized by the Inter-American Commission of Women (CIM), in its quality of Technical Secretariat of the Follow-up Mechanism of the Convention of Belém do Pará (MESECVI), the George Washington University and the EUROSociAL+ Program.

The meeting aimed to promote a space for exchange between representatives of international organizations, civil society organizations, academia and activists who are currently working on issues of disability and gender, accessibility barriers or violence against women to establish a work agenda that addresses the obstacles and challenges faced by women with disabilities victims and survivors of violence in the region.

The MESECVI, in its 2018-2023 Strategic Plan, seeks to deepen the analysis of the situation of women, girls and adolescents with disabilities, including the other forms of violence that affect women, especially those victims of multiple factors of discrimination and the added difficulties that these women have for access to justice, and therefore, the need to collaborate and establish work guidelines. (...)”

## **■ Follow-up Mechanism of the Belém Do Para Convention (MESECVI, for its acronym in Spanish)**

**Website:** <http://www.oas.org/en/mesecvi/default.asp>

**Treaty Monitored:** Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”

**Composition:** The Conference of States Parties is a political body that brings together the States that have ratified the Convention. The States Parties are available at: <http://www.oas.org/en/mesecvi/states.asp>.

The Committee of Experts is a technical body, made up of Experts appointed by each State Party.

The composition is available at: <http://www.oas.org/en/mesecvi/experts.asp>.

**Mandate:** MESECVI monitors progress in the treaty's implementation and persistent challenges to effective State responses to violence against women based on a dialogue and technical cooperation between States Parties and a Committee of Experts. The Committee of Experts evaluates State reports and issues recommendations, prepares a [Hemispheric Report](#) with the results and recommendations, and follows-up on its recommendations to States, through consolidated follow-up reports.

MESECVI's Basic Documents are available at:  
<http://www.oas.org/en/mesecvi/docs/MESECVI-DocumentosBasicos-EN.pdf>.

**State Reporting:** States submit reports to the CIM documenting the measures adopted to prevent and prohibit violence against women, to assist women affected by violence, as well as information about any difficulties in applying those measures and the factors that contribute to violence against women. States should measure their progress toward implementation against MESECVI's established structural, process and results [indicators](#).

State Reports are available at: <http://www.oas.org/en/mesecvi/nationalreports.asp>.

**Civil Society:** There is a [civil society network](#). Civil society organizations can participate in the evaluation and follow-up processes and by submitting [shadow reports](#). Organizations that are interested to join the civil society network can contact the Secretariat.

**Highlights:** MESECVI issues [press releases](#) on issues of concern or interest; [thematic reports](#) on critical areas of concern; [general recommendations](#); [tools](#), such as the [Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Based Killing of Women \(Femicide/Feminicide\)](#), a [Practical Guide to the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention](#), and a series of infographics on the Implementation of the Belém do Pará Convention; and [political declarations](#), among other documents.

These documents are available at: <http://www.oas.org/en/mesecvi/library.asp>.

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MESECVI Secretariat: [mesecvi@oas.org](mailto:mesecvi@oas.org)  
  
Twitter: [@MESECVI](#)

## ■ Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities

**Website:** [http://www.oas.org/en/sedi/ddse/pages/index-4\\_committee.asp](http://www.oas.org/en/sedi/ddse/pages/index-4_committee.asp) (English) / [http://www.oas.org/es/sedi/ddse/paginas/index-4\\_comite.asp](http://www.oas.org/es/sedi/ddse/paginas/index-4_comite.asp) (Spanish, for more up-to-date information).

**Treaty Monitored:** Inter-American Convention on the [Elimination](#) of All Forms of Discrimination against Person with Disabilities (CIADDIS, for its acronym in Spanish)

<b>Composition:</b>	<p>CEDDIS is composed of one <a href="#">representative</a> appointed by each State Party.</p> <p>The current composition is available at:  <a href="http://www.oas.org/es/sedi/ddse/paginas/documentos/discapacidad/CEDDIS_MI_EMBROS/Listado-integrantes-CEDDIS-web.pdf">http://www.oas.org/es/sedi/ddse/paginas/documentos/discapacidad/CEDDIS_MI_EMBROS/Listado-integrantes-CEDDIS-web.pdf</a></p>
<b>Mandate:</b>	<p>CEDDIS works as a forum for the exchange of experiences among State Parties. Examines States' reports and assesses progress made in the application of the CIADDIS. It then prepares a report reflecting its deliberations and conclusions; the measures adopted and progress made by States to comply with the treaty; as well as general and State-specific observations and recommendations.<sup>31</sup></p>
<b>State Reporting:</b>	<p>States submit reports every 4 years documenting the <a href="#">measures</a> adopted and the progress made in preventing and eliminating all forms of discrimination against persons with disabilities, and on any circumstances or difficulties affecting the fulfillment of these obligations.</p> <p>State reports that have been submitted are available at:  <a href="https://www.oas.org/es/sedi/ddse/paginas/index-4_informes.asp">https://www.oas.org/es/sedi/ddse/paginas/index-4_informes.asp</a>.</p> <p>CEDDIS' First Observations Report is available (in Spanish only) at:  <a href="https://www.oas.org/es/sedi/ddse/paginas/documentos/discapacidad/CIADDIS-PAD_INFORMES-CUMPLIMIENTO/Primer-Informe_CIADDIS-PAD/Evaluación-Primer_Informe-CIADDIS.pdf">https://www.oas.org/es/sedi/ddse/paginas/documentos/discapacidad/CIADDIS-PAD_INFORMES-CUMPLIMIENTO/Primer-Informe_CIADDIS-PAD/Evaluación-Primer_Informe-CIADDIS.pdf</a>.</p>
<b>Civil Society:</b>	<p>CEDDIS invites civil society organizations to submit information on the measures adopted by States Parties in compliance with the CIADDIS. The CEDDIS Committee holds ordinary sessions every two years and occasionally may host extraordinary sessions. These sessions are generally open to the public and are a good opportunity for advocates, persons with disabilities and the organizations that represent them to engage with the work of CEDDIS, to be heard by its members, and to present them with information that might be relevant for their work.</p>
<b>Highlights:</b>	<p>CEDDIS has issued a <a href="#">General Observation on Legal Capacity of Persons with Disabilities</a>, on the interpretation of Article I.2.b of the Convention,<sup>32</sup> and a <a href="#">regional report</a> on the subject (only available in Spanish).</p>
<b>Contact Details:</b>	<p>Organization of American States  General Secretariat Building, 7<sup>th</sup> Floor  <a href="#">1889 F Street, N.W.</a>  <a href="#">Washington, D.C. 20006, USA</a></p> <p>Telephone: +1 (202) 370-0000</p> <p>Secretariat for Access to Rights and Equity: <a href="mailto:SADyE@oas.org">SADyE@oas.org</a>  Department of Social Inclusion: <a href="mailto:DIS@oas.org">DIS@oas.org</a></p> <p>Twitter: <a href="#">@OAS_Inclusion</a></p>

## ■ **Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance**

**Website:** Not available.



<b>Treaty Monitored:</b>	Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance  Inter-American Convention Against All Forms of Discrimination and Intolerance
<b>Composition:</b>	One expert appointed by each State Party.
<b>Mandate:</b>	The Committee will evaluate progress made by States Parties in implementing these treaties and any circumstances or difficulty affecting their compliance. It may recommend the adoption of appropriate measures and will also work as a forum for the exchange of ideas and experiences.
<b>State Reporting:</b>	States should submit reports every four years discussing steps taken toward the fulfillment of obligations under these treaties, including disaggregated data and statistics on groups in situations of vulnerability.
<b>Civil Society:</b>	Not available.
<b>Highlights:</b>	Not available.
<b>Contact Details:</b>	Not available.

#### ■ Follow-up Mechanism of the Inter-American Convention on Protecting the Human Rights of Older Persons

<b>Website:</b>	Not available.
<b>Treaty Monitored:</b>	Inter-American Convention on Protecting the Human Rights of Older Persons
<b>Composition:</b>	The Conference of State Parties (the mechanism's principal organ) will monitor States' progress in complying with their commitments under this treaty; promote the exchange of experiences and best practices, as well as technical cooperation among States Parties; receive, analyze, and evaluate the recommendations of the Committee of Experts and present appropriate observations; monitor the activities of the Committee of Experts and make recommendations to improve its workings, rules, and procedures; and resolve any matter pertaining to the operations of the Follow-up Mechanism. The Committee of Experts will be composed of experts appointed by each State Party and will conduct a technical review of States' periodic reports, and submit recommendations for progressive compliance.
<b>Mandate:</b>	This follow-up mechanism will go into effect once the treaty has been ratified by 10 States. The follow-up mechanism will monitor States' commitments under this treaty and promote its effective implementation.
<b>State Reporting:</b>	States should submit an initial report within one year of the first meeting, and every 4 years after the initial report. The State reports should include information on steps the State is taking to implement their obligations under this Convention.
<b>Civil Society:</b>	Not available.
<b>Highlights:</b>	Not available.
<b>Contact Details:</b>	Not available.



## Chapter 2: Opportunities for Civil Society Engagement with Inter-American System Mechanisms

This Chapter explains how civil society can engage with the different mechanisms of the Inter-American Commission and Court. It is not necessary to have consultative status or special registration to use of these mechanisms.

### Inter-American Commission on Human Rights

#### ■ Individual Petition and Case System

Civil society can **file individual petitions** before the Commission in situations where the human rights of an individual or a group of persons have been violated. The Commission prefers that petitioners file through the Individual Petition System Portal (<http://www.oas.org/en/iachr/portal/>). The Portal has a User Manual for Petitioners (<http://www.oas.org/en/iachr/portal/help/petitioners/NetHelp/>) that explains, among other guidance, how to create and manage an account, how to create and submit a new petition, and how to upload evidence.

The Portal is designed to guide users into providing the [information required by the Commission](#). While this is the Commission's preferred method to file new petitions, they may instead be submitted via e-mail, post mail, or fax (see p. 10 for the Commission's [contact details](#)). Regardless of the method used, documents should only be presented once. There is no fee to file a petition.

Once a person or NGO has filed a petition, the petitioner should **actively participate** throughout the entire process, filing subsequent briefs through the same method used to file the initial petition. For example, at the admissibility and merits stages:

- ▶ If the petitioner does not provide the Commission with the necessary information, the petition or case may be archived.<sup>33</sup>
- ▶ The petitioner has the option to request a hearing or working meeting during the Commission's periods of sessions. The Commission can also convene a hearing at its own initiative.

Once the Commission has issued its merits report or the parties have signed a friendly settlement agreement, the petitioner should continue to participate during the **follow-up process**. This typically takes the form of written briefs on the status of compliance with the Commission's recommendations or the parties' agreements. The petitioner may also request a hearing or working meeting during this follow-up process, or the Commission may convene a hearing at its own initiative.

In addition to participating in these processes before the Commission, civil society who are representing victims in individual petitions should also undertake efforts at the national level to advocate for compliance with the Commission's recommendations or the parties' agreements, for instance by requesting meetings with relevant State authorities.

## Requesting a hearing or working meeting before the Inter-American Commission

Hearings are usually public, while working meetings tend to be private. Working meetings are more flexible in terms of interaction and time distribution. Even if a petitioner requests a public hearing, the Commission may decide to convene a private working meeting.

**How?** Requests for hearings and working meetings are made through an online system.

**What?** The online system consists of an electronic form that requests the following information:

- ▶ Type of hearing requested (thematic or related to a case or precautionary measure)
- ▶ Type of petitioner (civil society or State)
- ▶ Identity of the petitioner of the hearing
- ▶ Relevant State or States
- ▶ Object, purpose, and justification of the hearing
- ▶ Summary of the information to be provided during the hearing

The system also allows the attachment of supporting documents. Petitioners may attach a brief overview of the request, which should ideally be no more than two or three pages, with a more detailed description of the object, purpose, justification, and summary.

**When?** Roughly 3 months before the period of sessions, the Commission will issue a press release announcing that the online system is open and establishing the deadline to file requests.

The Commission usually notifies the hearings granted one month before the date on which they will take place (note that the Commission has not historically notified those requesting hearings if the request is rejected). In its note, the Commission will:

- ▶ Provide the location, date, time, and duration of the hearing.
- ▶ Attach a copy of its relevant Rules of Procedure applicable to hearings.
- ▶ Ask the parties to present, in advance, the identity and institutional affiliation (if applicable) of the persons who will attend the hearing, and a summary of the information they will present.

## ■ Precautionary Measures

Civil society can **request precautionary measures** in serious and urgent situations where there is a risk of irreparable harm. Like petitions, requests for precautionary measures should preferably be filed through the [Individual Petition System Portal](#). The Portal is designed to guide users into providing the information required by the Commission (see text box); it also allows users to learn of situations in which the Commission has not deemed it appropriate to grant precautionary measures. While this is the Commission's preferred method to file new requests for precautionary measures, they may also be submitted via other contact methods (see p. 10 for the Commission's [contact details](#)). Regardless of the method used, documents should only be presented once. There is no fee to file a request for precautionary measures.

Requests for precautionary measures should include:

- ▶ Information identifying the person or persons proposed as beneficiaries, or information allowing for their identification.
- ▶ Whether the proposed beneficiaries consent to the request of precautionary measures, unless the absence of consent is justified.

- ▶ A detailed and chronological description of the facts that motivate the request and any other available information or evidence.
- ▶ Information on whether the situation has been brought to the attention of the pertinent authorities. If so, the request should include information about what actions (if any) the authorities have taken. If not, the request should include the reasons why it would not be possible to do this. Note that this is different from the requirement to exhaust domestic remedies for individual petitions, but the Commission does take into account whether the relevant authorities have been made aware of the situation.
- ▶ A description of the type of protection measures requested.<sup>34</sup>

The person or NGO filing the request for precautionary measures must **actively participate** in this process and any follow-up procedures on compliance. Subsequent briefs should continue to be filed through the Portal or the other previously mentioned means. Failure to provide the necessary information may lead the Commission to discontinue processing the request.<sup>35</sup>

Once it grants precautionary measures, the Commission requires the State to report on the measures adopted to comply with them. The **follow-up process** involves numerous exchanges of written information between the parties. The representatives of the beneficiaries may also request a public hearing or private working meeting during the Commission's periods of sessions (following the same process as that for individual petitions). A hearing or meeting may also be convened by the Commission. The Commission will periodically evaluate precautionary measures granted, at its own initiative or at the request of either party. The petitioners' failure to participate in the follow-up process, or to provide satisfactory replies, may lead the Commission to lift the precautionary measures.<sup>36</sup>

In addition to participating in these processes before the Commission, civil society who are representing beneficiaries of precautionary measures should also undertake efforts at the national level to advocate for compliance, for instance by requesting meetings with relevant State authorities.

## ■ Mechanisms to Monitor the Human Rights Situation in OAS Member States

### Country Visits, Reports, and Rapporteurships

Civil society can support on-site or working visit to a specific country by the Commission in a few ways. First, civil society can ask the Commission to undertake such a visit as part of their requests in written submissions or thematic hearings. While the Commission takes these requests into consideration, the Commission must still ask for consent from the relevant State to conduct such a visit.

Where a State repeatedly rejects or ignores the Commission's requests to conduct a visit, civil society can request that the Commission draft a country report without the on-site visit.

Once country visits have been scheduled, civil society plays an important role in supporting the preparations of these visits. The Commission will schedule meetings with civil society, as part of its official agenda. These visits are a great opportunity to engage directly with the country rapporteur and the Secretariat staff. Civil society can also organize expert meetings, conferences, or roundtables—including with grassroots organizations, impacted populations, advocates, and other experts—during the visit to facilitate access to information, testimony, and other documentation of the human rights situation in a country.

## Thematic Hearings

Thematic hearings are a very important tool for civil society to raise awareness of human rights violations at the intersection of gender and disability. Hearings are one of the main activities that take place during the Commission's periods of sessions.

The **process to request a thematic hearing** is the same as that to request a hearing or working meeting related to a petition or precautionary measure (see "[Requesting a hearing or working meeting before the Inter-American Commission](#)," on p. 34, for more details about this process). Thematic hearings are usually public, but the Commission may decide, on its own initiative or at the request of an interested party, to hold a private hearing.

Public hearings are typically **live webcast** through the Commission's website. The full calendar of hearings is announced in a press release a few weeks before the session. When the schedule is announced, the Commission also calls for **expressions of interest** from civil society that want to participate in hearings convened either at the Commission's initiative or on a State's request.

There are no formal requirements as to what kind of information needs to be provided at a thematic hearing, but it is usually a good practice to include:

- ▶ A greeting to the Commissioners, the State delegation, and the general public.
- ▶ An introduction of the topics that will be covered and the people who will be presenting.
- ▶ The general context of the human rights situation being discussed.
- ▶ Specific examples of the issues being discussed, where available. Note that examples that have been presented in the form of an individual petition or precautionary measure can be mentioned, but should not be discussed in detail.
- ▶ Relevant local laws or regulations—or the lack of such laws or policies—that relate to the situation.
- ▶ The State's and government's response to the situation, if applicable.
- ▶ Specific requests to the Commission of what it could do in relation to the situation. Recommendations might include a request for a country visit, a press release, or a thematic report, or a request to include the State in Chapter IV.B of its Annual Report (see "[Human Rights Trends and Situations Requiring Special Attention—Chapter IV of the Annual Report](#)" on p. 21 for more information).

Advocates can use audiovisual aids (slideshow presentations, videos, and pictures) and may also submit additional information in writing after the hearing. It can also be helpful to access photos, video, or audio of prior hearings, via the Commission's website<sup>37</sup> to become familiar with how thematic hearings work in advance.

Civil society can also use break times between hearings and civil society-organized **side events** to network and advocate informally with Commissioners or Special Rapporteurs.

## Thematic Rapporteurships and Units, and Thematic Reports

There are several ways civil society can contribute to the work of thematic rapporteurships and units, and thematic reports. For example, the Inter-American Commission holds **public consultations and expert meetings** when developing its agenda and priority issues.<sup>38</sup>

## **IACHR Calls for Participation in Public Consultations Launched by the Unit on the Rights of Persons with Disabilities**

“The Inter-American Commission on Human Rights (IACHR) calls on civil society organizations, States and any other users of the Inter-American Human Rights System to take part in public consultations launched by the Unit on the Rights of Persons with Disabilities that is set to be held on June 22, 2018 in Lima, Peru.

The main goal of these consultations is to receive input to draft the Thematic Unit’s first work plan.

During the event, organizers hope to promote debate among participants concerning the following themes and any others proposed through the registration form: (1) legal capacity; (2) access to justice; (3) independent living and inclusion in the community; (4) violence, discrimination and personal integrity; (5) financial, social and cultural rights (for example, the rights to social security, health, employment); (6) inclusive education; (7) political participation; (8) others. ...”

The full text of this call for participation is available [here](#).

The Commission also issues **questionnaires** to consult with interested actors, including civil society, within a specific deadline. Questionnaires are announced through press releases and are available at: <http://www.oas.org/en/iachr/reports/questionnaires.asp>.

Civil society can also **send relevant information** to thematic rapporteurships throughout the year to inform the rapporteurships—and the Commission more generally—about human rights issues in specific countries or throughout the region. This information can be used by the Commission in its Annual or Country reports, resolutions, to formulate a direct request for information from a State, among others. There are no specific requirements as to how to present this information, but it can be helpful to include:

- ▶ Heading with the date, rapporteurship(s) to which the information is addressed, and a brief reference on the main issue covered;
- ▶ Details about who is sending the information (including name, contact information, and logo of the organization, if applicable); and,
- ▶ Specific requests to the Rapporteurship and/or the Commission of what they could do in relation to the situation. Recommendations might include a request for a country visit, a press release, or a thematic report, or a request to include the State in Chapter IV.B of its Annual Report (see “[Human Rights Trends and Situations Requiring Special Attention—Chapter IV of the Annual Report](#)” on p. 21 for more information).

The information must be reliable and credible and should include supporting documents, attached or in footnotes with links. Supporting evidence can include official acts and documents, national or international human rights reports documenting the issue, and/or well substantiated media reports.

Although the different sections of the Secretariat share information amongst themselves, if the information may contribute to the work of different rapporteurships, it is a good idea to send it to all of the relevant rapporteurships. Sharing relevant information with all thematic rapporteurships on human rights situations involving persons with disabilities can also raise greater awareness about how the rights of persons with disabilities intersect with other thematic issues and across intersecting identities. For example, if civil society wants to send information on the right to work of women with disabilities, it would be important to send it to the Rapporteurships on the Rights of Women and on the Rights of Persons with Disabilities and to the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights. To the extent that the information addresses the situation of migrant or indigenous women with disabilities, the Rapporteurships on the Rights of Indigenous Peoples and on the Rights of Migrants should also be included.

## Key Thematic Rapporteurships and Contact information

### **Rapporteurship on the Rights of Indigenous Peoples**

Website: <http://www.oas.org/en/iachr/indigenous/default.asp>

E-mail: cidhdenuncias@oas.org

### **Rapporteurship on the Rights of Women**

Website: <http://www.oas.org/en/iachr/women/default.asp>

E-mail: cidhdenuncias@oas.org

### **Rapporteurship on the Rights of Migrants**

Website: <http://www.oas.org/en/iachr/migrants/default.asp>

E-mail: cidhmigrantes@oas.org

### **Rapporteurship on the Rights of the Child**

Website: <http://www.oas.org/en/iachr/children/>

E-mail: relatorianinez@oas.org

### **Rapporteurship on the Rights of Persons Deprived of Liberty and to Prevent and Combat Torture**

Website: <http://www.oas.org/en/iachr/pdl/default.asp>

E-mail: cidhdenuncias@oas.org

### **Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination**

Website: <http://www.oas.org/en/iachr/afro-descendants/default.asp>

E-mail: cidhafrodescendiente@oas.org

### **Rapporteurship on Human Rights Defenders and Justice Operators**

Website: <http://www.oas.org/en/iachr/defenders/default.asp>

E-mail: cidhdefensores@oas.org

### **Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons**

Website: <http://www.oas.org/en/iachr/lgtbi/>

E-mail: cidh\_lgtbi@oas.org

### **Rapporteurship on the Rights of Persons with Disabilities**

Website: <http://www.oas.org/es/cidh/discapacidad/default.asp>

E-mail: CIDHDiscapacidad@oas.org

### **Rapporteurship on Memory, Truth, and Justice**

Website: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/r/mvj/default.asp>

E-mail: cidhdenuncias@oas.org

### **Rapporteurship on the Rights of Older Persons**

Website: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/r/pm/default.asp>

E-mail: cidhdenuncias@oas.org / cidhmonitoreo@oas.org

### **Special Rapporteurship on Freedom of Expression**

Website: <http://www.oas.org/en/iachr/expression/index.asp>

E-mail: cidhexpresion@oas.org

Telephone: +1 202 370 0816

Twitter: @RELE\_CIDH

### **Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights**

Website: <http://www.oas.org/en/iachr/desc/>

E-mail: CIDH\_DESCA@oas.org

Twitter: @DESCA\_CIDH

## **Annual Reports to the OAS General Assembly**

Civil society can respond to the Commission's **calls for information for the Annual Report**.<sup>39</sup> Calls for information will indicate where the information must be sent. Information for the Annual Report should refer to issues or events within the year in question, and can also include follow-up information related to recommendations included in reports from previous years.

Advocates do not need to wait for formal calls for information. Information on human rights situations in OAS Member States for the Annual Report can be sent to the Commission at any time throughout the year. Such information should clearly state that it is for the Annual Report and can be sent via e-mail to: [cidhdenuncias@oas.org](mailto:cidhdenuncias@oas.org).

## **Requests for Information from States**

Civil society can ask the Commission to **request information on a human rights issue directly from the State**.<sup>40</sup> This information can be directed to: [cidhdenuncias@oas.org](mailto:cidhdenuncias@oas.org) and/or to one or more of the thematic rapporteurships, at their specific e-mails. It is a good idea to send the information to all relevant sections and this can be done through a single e-mail.

There are no specific requirements as to how to present this information, but can be helpful to include:

- ▶ Heading with the date, to whom the information is addressed, and a reference what the request seeks (i.e., "Request for information under Article 41 of the American Convention or Article 18 of the Commission's Statute");
- ▶ Details about who is sending the information (including, names, contact details, and logo of the organization, if applicable);
- ▶ Specific request to the Commission and/or the Rapporteurships to ask the State for information on the issue, based on its powers under Article 41 of the American Convention or Article 18 of the Commission's Statute; and
- ▶ Any additional recommendations as to what the Commission and/or Rapporteurships could do with the information. Additional recommendations might include a request for a country visit, a press release, or a thematic report, or a request to include the State in Chapter IV.B of its Annual Report (see "[Human Rights Trends and Situations Requiring Special Attention—Chapter IV of the Annual Report](#)" on p. 21 for more information).

The information must be reliable and credible and should include supporting documents, attached or in footnotes with links. Supporting evidence can include official acts and documents, national or international human rights reports documenting the issue, and/or well substantiated media reports.

Requests for information from states are confidential, such that civil society—including those calling for the request for information—will only know whether the Commission made this request when it publishes its next Annual Report.

## **Follow-up to Recommendations: Inter-American SIMORE**

If a civil society organization wishes to contribute information on the status of compliance of recommendations issued by the Commission, it must submit a formal request to **register with the [Inter-American SIMORE](#)**.

Additional information on registration is available at:

[https://www.oas.org/ext/Portals/25/Docs/SIMORE\\_Account\\_Creation\\_Policy.pdf](https://www.oas.org/ext/Portals/25/Docs/SIMORE_Account_Creation_Policy.pdf).



## ■ Technical Assistance to OAS Member States

Civil society and victims of human rights violations and their families, can contribute to the work of GIEIs and Special Monitoring Mechanisms by providing them with relevant information, either in writing or by participating in the activities they organize in the exercise of their mandates.

## Inter-American Court of Human Rights

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### ■ Individual Cases

Civil society cannot directly file cases with the Inter-American Court. However, there are several ways in which civil society can participate in the processing of cases before the Court. These include filing a petition with the Inter-American Commission that may later be sent to the Court, attending the Court's hearings, submitting *amicus curiae* briefs, or participating as an expert witness.

As **representatives of victims** in a case referred to the Court, civil society has the duty to appear before the Court to represent their clients' interests throughout the entire proceedings, including the monitoring compliance stage. This, either through **written briefs**, which should be submitted via e-mail, post or certified mail, or fax (see p. 23 for the Court's [contact details](#)) or **oral hearings**, following the deadlines set by the Court. The Court relies heavily on the information provided by representatives of victims to evaluate State compliance with Court orders. Representatives of victims should also undertake efforts at the national level to advocate for compliance with the Court's orders, for instance by requesting meetings with relevant State authorities.

Civil society can also **attend the Court's hearings**. These are open to the public and free to attend, space permitting. Where the Court anticipates strong interest in a given hearing, it may open an online registration system. All public hearings of the Court are also **webcast live**, in their original language, on the Court's [website](#) and Facebook page ([@CorteIDH](#)), and are later uploaded to the Court's [multimedia gallery](#).

Interested parties, including civil society, can also participate in a case before the Court in which they are not one of the parties by filing an **amicus curiae** brief. An *amicus curiae*, which means "friend of the court," is a person or organization that has a strong interest in the issues brought up in a case to which they are not a party. An *amicus curiae* can present a written brief offering interpretations of law or reasoned arguments related to the facts under consideration by the Court. If an organization wishes to present an *amicus curiae* brief, it is a good idea to obtain the Inter-American Commission's merits report and the note submitting the case to the Court (available at: <http://www.oas.org/en/iachr/decisions/cases.asp>), to learn more about the case.

Amicus curiae briefs:

- ▶ Should be presented via e-mail, post or certified mail, or fax.
- ▶ Should be written in the working language of the case (that of the State in question).
- ▶ Must include the names and signatures of its authors.
- ▶ May be submitted at any time during the proceedings of a case, but no later than 15 days after the public hearing. If the Court does not convene a hearing, the brief must be submitted within 15 days of the Court's order setting the deadline for final arguments.

Civil society can also present *amicus curiae* briefs at any stage during the monitoring of State compliance with judgments and in relation to precautionary measures.



Finally, members of civil society who are recognized as specialized experts can participate as **expert witnesses** in cases pending before the Court to which they are not parties. Expert witnesses are proposed by the Commission or by the parties.

## ■ Provisional Measures

Representatives of victims in a case already under the Court's consideration can directly request **provisional measures**. Like other case communications, the request should be presented via e-mail (the subject line should mention "request for provisional measures"), post or certified mail, or fax (see p. 23 for the Court's [contact details](#)). If the matter is not yet being considered by the Court, advocates must go through the Inter-American Commission, and request precautionary measures first.

Once the Court has ordered provisional measures, the representatives of the beneficiaries must **participate in the monitoring process** to ensure adequate implementation. The Court will ask the State to report on steps taken to comply with the provisional measures. The monitoring process takes place, mostly, through written briefs from both parties on the implementation of the provisional measures. The Court may also convene public or private hearings (an example of which can be seen [here](#)) and can ask for information from other sources (like national human rights institutions) to better assess the situation. The Court will issue follow-up resolutions, ordering the State to maintain the provisional measures, or, eventually, lifting them if they are no longer necessary. Representatives of beneficiaries of provisional measures should also undertake efforts at the national level, such as meetings with relevant State authorities, to push for adequate and effective implementation of the Court's provisional measures.

Civil society can also file an **amicus curiae** brief in relation to provisional measures. As with *amicus curiae* for cases, a brief in support of provisional measures should **(1)** be presented via e-mail, post or certified mail, or fax, **(2)** be in the working language of the State in question, and **(3)** include the names and signatures of its authors. They may be submitted at any time during provisional measures proceedings.

## ■ Advisory Jurisdiction

While Civil society cannot directly request an advisory opinion from the Inter-American Court, civil society can contribute written replies when the Court issues a press release a **public call for participation**.<sup>41</sup> In its public call, the Court will include the original request, the deadline to submit observations, and the requirements, which typically include:

- ▶ Name of the institutions or persons that present the observations.
- ▶ Photocopy of the ID of the persons submitting the observations.
- ▶ Signature of the legal representative (where submitted by an organization) and documents proving such representation.
- ▶ Contact information of the person or organization submitting the observations.
- ▶ Indication of intention to participate in a possible public hearing, if one is convened by the Court.

## Other Opportunities for Civil Society Engagement in Relation to the Inter-American System

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### ■ Forum of the Inter-American System

Since 2017, the Inter-American Commission and Court have co-organized an annual **Forum of the Inter-American System** to promote discussions on the System's effectiveness, States' compliance with the System's recommendations and decisions, and other issues regarding human rights in the Americas. The Forum include panel presentations and discussions with Commissioners, Judges, State authorities, NGOs, members of social and union movements, and academia. Civil society participants can organize **side events** (workshops, talks, roundtables, expert consultations, and other activities). The Forum organizers will issue a public call for proposals for side events in advance, typically via a press release.<sup>42</sup> These Forums offer a good opportunity to engage and network with Inter-American system experts and beneficiaries and to participate in discussions about the workings of the System and good practices throughout the region.

### ■ Advocacy within the OAS General Assembly

Civil society may also engage in **advocacy activities** around the OAS General Assembly. The General Assembly is the “supreme organ” of the OAS. It is made up of the Ministers of Foreign Affairs of all OAS Member States, and it meets at least annually (usually in June) to adopt resolutions that guide the work of the OAS. During the General Assembly, there is a formal dialogue between States and representatives of civil society, where civil society may contribute to the work of the OAS, including priority-setting and the text of resolutions and declarations. More information on prior and future General Assemblies is available at: [http://www.oas.org/en/about/general\\_assembly.asp](http://www.oas.org/en/about/general_assembly.asp).

**Elections of members of the Inter-American Commission and Court** also occur during the OAS General Assembly. While civil society has no formal role in these elections, in recent years, international civil society organizations, think tanks, and academia have promoted a more transparent and participatory election process and greater gender parity, including public forums with the candidates to engage in discussions around human rights issues in the Americas and what the Inter-American system can do.

For more information about how to register to participate in the General Assembly, see the OAS's [Manual for Civil Society Participation in OAS Activities](#). Additional information can also be found in the OAS' [civil society participation](#) section of the website and by signing up or the OAS [e-mail distribution list](#).

## Chapter 3: Advocacy Strategies

### Deciding on an Advocacy Strategy

This guide presents a range of options available for engaging with the different mechanisms offered by the Inter-American system. All of these mechanisms allow for **country-specific advocacy**. Most of them—except individual petitions and precautionary and provisional measures—also allow advocates to address **thematic human rights issues regionally** (across countries, sub-regions, or the Americas as a whole).

There are a number of external and internal factors, as well as advantages and challenges of the different mechanisms, that advocates must consider when deciding on a strategy and setting priorities. Many of these approaches can be used in tandem to develop a multi-faceted advocacy strategy.

#### Budgeting, Visa, and Security Considerations for Civil Society Organizations

As a general rule, the OAS and the bodies of the Inter-American system **do not cover any expenses** for civil society organizations to attend the OAS General Assembly or the hearings and periods of sessions of the Inter-American Commission and Court. Civil society needs to secure flights, hotels, and visas, if necessary.

When granting a hearing, the Inter-American Commission will offer to issue a letter to support any necessary **visa applications**, though this letter does not guarantee the visa will be granted. Civil society interested in obtaining such a letter must send their personal details (name, nationality, passport number, country of residence) to the Commission as soon as possible on receiving notice that a hearing has been granted.

When engaging with the Inter-American system, civil society must also keep in mind **security considerations**. The Rules of Procedure of the Commission and the Court clearly state that participants in hearings should not be the object of reprisals, threats, or other negative consequences in their States of origin or residence, but in practice, these can still occur. As such, it is important for civil society to conduct personal and institutional risk-assessments.

### Inter-American Initiated or State-Initiated Mechanisms

Some of the above-discussed Inter-American system mechanisms must be initiated by the Commission, the Court, or an OAS Member State. These include conducting country visits, issuing resolutions, press releases, or thematic reports, or requesting or issuing an advisory opinion. Civil society can advocate for these mechanisms to be initiated and can participate actively once initiated. Determining whether to engage with these mechanisms, civil society must decide whether or not they have the institutional capacity (in terms of time and economic and personal resources) to engage in these activities, and if so, to what extent.

### Civil Society-Initiated Mechanisms

#### ■ Individual Petition and Case System

Advocates should consider the following questions when evaluating whether filing an individual petition would be a strategic mechanism to address a specific human rights issue.

- ▶ **Is there an identifiable victim or group of victims?** An identifiable victim or group of victims is necessary to file an individual petition. A petition should, primarily, seek to obtain justice for the person or group of persons whose rights were violated.
- ▶ **Has the identifiable victim or their representative sought justice through domestic courts?** Recall that the Inter-American Commission requires exhaustion of domestic remedies before they can consider an individual petition. The Inter-American Court can only hear individual cases that are referred by the Commission.
- ▶ **Does a civil society organization wish to act as a representative of the victim or victims?** The organization should be legally recognized in one or more OAS Member States and have the consent of the victim or victims to file the petition.
- ▶ **Is the specific human rights violation representative of a larger structural situation?** An individual petition can also seek to obtain structural changes, if it is proven that the individual situation that gave rise to the case is representative of a more generalized situation that affects the rights of many people in that country, or even throughout the region.
- ▶ **Is there a current law or regulation that violates human rights and that was directly applied in relation to the victim or victims?** An individual petition can also seek to obtain the modification or derogation (elimination) of a particular law or regulation, but only if the victim or victims suffered a rights violation as a direct result of the law or regulation. In such cases, Inter-American Commission or Court may issue recommendations and orders to make legal or policy changes in the country.
- ▶ **Does the situation require urgent attention?** If so, consider whether the requirements to request precautionary measures are met.

It is important to acknowledge and consider the **challenges** of individual petitions as well.

Filing an individual petition is a **resource-intensive process** that can also require **technical legal expertise**. While legal representation is not necessary to file a petition, the case system is the most technical mechanism within the Inter-American system and requires presenting specific information and evidence in order to obtain a favorable decision. A case gets even more technical if it is eventually submitted before the Inter-American Court, where it is advisable to have representation with experience in international human rights litigation. It is important for civil society organizations to evaluate their internal capacity before taking a victim's case to the Inter-American system. Partnering with organizations with international litigation experience can assist with this process to better allow civil society to make use of this tool to achieve structural impact.

It is also a **long-term commitment**. The Inter-American Commission has a considerable backlog and the number of petitions it receives continues to increase. While this backlog has decreased in recent years due to sustained efforts on the part of the Commission, complete processing of individual petitions can take multiple years, particularly if the case is referred to the Court. As such, a civil society organization has to have the institutional capacity and willingness to dedicate the time and resources necessary to accompany a case for many years. This delay can also be tiring and frustrating for the victims and their relatives, so representatives must manage expectations.

Despite these challenges, filing individual petitions can present significant **opportunities** to victims of human rights abuses and their representatives. Taking a case to the Inter-American system may be the last opportunity for victims of human rights violations to **obtain justice**, when this has not been possible at the national level. Filing individual complaints can also be a powerful tool for seeking **structural change**. The decisions of the Commission and Court also serve as precedents if similar cases are brought in relation to other countries, which can **strengthen human rights standards** across the region.

## ■ Urgent Measures (Precautionary and Provisional)

Advocates should consider the following questions when evaluating whether urgent measures (precautionary or provisional) would be well-suited to address a specific situation of potential human rights violations.

- ▶ **Is there an identified or identifiable proposed beneficiary or beneficiaries?** Persons proposed as beneficiaries of urgent measures must be identified or identifiable based on geographic location, membership in an association, community, or organization.
- ▶ **Does a civil society organization wish to act as a representative of the proposed beneficiary or beneficiaries?** The organization should be legally recognized in one or more OAS Member States and, where feasible, have the consent of the proposed beneficiaries to file the request.
- ▶ **Is the situation serious and urgent, and does it pose a risk of irreparable harm to human rights?** These three conditions (serious, urgent, irreparable) must be met for precautionary measures to be issued. For provisional measures, the situation must be one of “extreme” gravity, and there are additional requirements if the matter is not yet under consideration of the Court (discussed in [“Provisional Measures”](#) on p. 41).
- ▶ **Has the situation been brought to the attention of the pertinent authorities or is there a reason why this is not possible?** While filing of urgent measures do not require the exhaustion of domestic remedies, the Commission and the Court take into account whether the relevant authorities have been made aware of the situation, whether or not they took any action, and if so, whether or not it was effective.

There are several **drawbacks** with urgent measures. In particular, the Inter-American system **lacks enforcement mechanisms** in instances where the State and its relevant authorities are unwilling to comply with the orders.

At the same time, urgent measures offer several **advantages**. These processes are not as technical or resource-intensive as an individual petition, as they do not require exhausting domestic remedies and it can be easier to meet the standards of evidence. Urgent measures can also be very useful tools to obtain a **prompt response** for a specific urgent matter.

## ■ Thematic Hearings

Thematic hearings before the Inter-American Commission are a very useful tool to raise international awareness about on-going human rights issues in a specific country or throughout the region.

### **Advantages and opportunities:**

- ▶ Thematic hearings are not a complicated mechanism to pursue, nor do they require much technical expertise.
- ▶ General situations of human rights violations may be presented. As such, it is not necessary to have a specific victim or group of victims.
- ▶ Exhaustion of domestic remedies is not required.
- ▶ Petitioners can request a range of recommendations from the Commission coming out of the thematic hearing, including conducting an on-site visit, issuing a thematic report or press release, or including a State in Chapter IV.B of its Annual Report, among others.
- ▶ Thematic hearings provide a good opportunity to:
  - Engage Commissioners on the issue who can, in turn, put pressure on the State or States to resolve the situation.

- ▶ Meet and engage with State authorities responsible for the matters of concern. If authorities have been unwilling or able to meet at the national level, they are more likely to respond and attend if an international human rights body convenes them.

#### **Challenges and drawbacks:**

- ▶ Hearings only take place during periods of sessions, so they are not available year-round.
- ▶ Participating in hearings (and Commission sessions more broadly) can be costly (including expenses for travel, hotels, visas, etc.).
- ▶ Thematic hearings do not determine a State's international responsibility for the situation being discussed. Commissioners receive the information and ask questions, but are cautious to not prejudge situations that may later come before the Commission through an individual petition or precautionary measure.
- ▶ There is no formal follow-up procedure. The information provided during the hearing may inform the Commission's other mechanisms (such as annual reports, press releases, and country and thematic reports), but there is no specific and direct follow-up to the hearing itself.

### ■ **Written Submissions**

Written submissions can be a good way for advocates to share information with the Commission about a general or specific human rights situation that might not meet the requirements for the other mechanisms.

#### **Advantages and opportunities:**

- ▶ Written submissions are the least expensive way of engaging with the Commission, since all the information may be submitted via e-mail.
- ▶ They can be made at any time throughout the year.
- ▶ There are no strict word limits, although more concise information will be easier to process.
- ▶ There are no strict requirements as to the content of written submissions or how they are shared with the Commission (see earlier discussion on p. 37 for more details about the suggested content for [written information](#)).
- ▶ Civil society can request a range of recommendations from the Commission coming out of the thematic hearing, including conducting an on-site visit, issuing a thematic report or press release, or including a State in Chapter IV.B of its Annual Report, among others.
- ▶ Providing valuable and well-structured information to the Commission raises the profile of an organization with the Commission as a reliable and trustworthy source of information, especially if the organization has a particular area of expertise, which can result in the organization being invited to expert consultations, public forums, and other valuable spaces that can yield greater impact.

The greatest **drawback** is that, in the context of the Commission's monitoring mechanisms, written submissions do not provide space for feedback, follow-up, or dialogue with the Commission; organizations may only receive an acknowledgement of receipt or no acknowledgement at all.

### ■ **Using regional and international spaces strategically**

In addition to considering the opportunities and challenges of different Inter-American system mechanisms, another factor advocates should consider is whether Inter-American or United Nations mechanisms might be a better target for their advocacy.

In general, the monitoring mechanisms of the regional and the international systems may be used simultaneously. For example, because the litigation of a petition or case can take several years before the Inter-American system, civil society can maintain attention on the specific situation by keeping Inter-American system Thematic Rapporteurs up-to-date with the situation that gave rise to the pending case. Advocates can also raise these issues through written advocacy with various U.N. human rights mechanisms (see Women Enabled International's [accountABILITY Toolkit: Using U.N. Human Rights Mechanisms to Advance the Rights of Women and Girls with Disabilities](#) for more information about how to access these mechanisms).

With respect to individual petitions, advocates will need to select a forum, as individual cases cannot be filed with both the Inter-American Commission and a U.N. treaty body. In this situation, advocates should consider:

- ▶ What treaties the specific country has ratified (including whether the country has recognized the authority of these bodies to receive individual complaints);
- ▶ The length of the proceedings (recognizing that while both systems can take several years to resolve individual communications, cases generally take longer to proceed through the Inter-American system);
- ▶ Admissibility requirements for the different mechanisms (both systems require exhaustion of domestic remedies, but may interpret exceptions to this requirement in different ways and may have different limits on when a case can be presented);
- ▶ The likelihood that the mechanism will determine that there has been a violation of rights (it is worth noting that, with the adoption of the U.N. Convention on the Rights of Persons with Disabilities, the U.N. system has established stronger protections for the rights of persons with disabilities; and
- ▶ The type of decision or recommendations issued.

With respect to this last consideration, it is important to note that the Inter-American Court can issue a binding legal decision, which means that OAS Member States must comply with the ruling. In contrast, many States view U.N. treaty body decisions as recommendations, which can pose challenges for implementation.

## Coalitions and Partner Organizations

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In developing Inter-American system advocacy strategies, civil society should consider the advantages and disadvantages of partnering with other like-minded NGOs to develop a **joint submission of information** (for instance, through written submissions to the Commission or an *amicus curiae* brief before the Inter-American Court) or a **joint thematic hearing request** before the Commission. There are several factors to consider, including:

- ▶ **Organizational mandates:** In determining whether, and with whom, to partner in developing a joint written submission or hearing request, it is important to consider the mandates of the various organizations, what each organization will contribute to the process, and how this will bear on the final submission or eventual hearing. A few factors to consider in this regard include:
  - **Priority issues:** It is possible to develop a joint written submission or hearing request between mainstream women's rights or disability rights organizations and women with disabilities rights organizations. However, given that mainstream organizations may have other priority issues to raise in their submission or hearing, it is important to consider whether and to what extent these other issues might detract from a focus on the issues arising at the intersection of gender and disability



(in contrast to a submission or hearing that focuses exclusively on women with disabilities). For instance, thematic hearings are limited to 50 minutes regardless of the number of participants, so participants will have to distribute the time accordingly, so this can limit the amount of time allocated to each specific issue where organizations have competing priorities.

- **Access to information:** Partnering with organizations can have an added benefit of bringing together different areas of expertise or knowledge. For instance, community-based organizations, organizations that work with individual clients, and organizations that undertake documentation or fact-finding work will have a good understanding of the key issues impacting women and girls with disabilities on the ground, will have concrete insight into how domestic laws and policies play into these issues, and may have valuable testimony or case studies to help illustrate the issues raised in a submission or hearing. Organizations that work at the international level or who have greater familiarity with the Inter-American system, including international NGOs, can be in a good position to provide legal analysis, technical expertise, and global context for the issues being raised.
- **Strength of a joint submission or hearing request:** Joint written submission or hearing requests can be very effective in demonstrating that the content of the submission or hearing is not just the position of one organization, but of a number of organizations with expertise in an area, such that submitting or appearing in coalition may help amplify the voice of smaller organizations. Partnering with mainstream women's rights or disability rights organizations can also reinforce the credibility of a submission with a lesser-known organization, particularly where the mainstream organization is known for the quality and reliability of its submissions or appearances.

In addition, because there are a limited number of hearings to be granted per period of sessions, joint hearing requests might be more likely to be granted, as it would be natural that the Inter-American Commission would tend to prefer higher civil society representation within its limited number of hearings.

- **Division of responsibility:** In partnering with other organizations in a joint written submission or hearing request, it is important to have discussions in advance to identify the roles and responsibilities of each organization in developing the written submission or the hearing request. For a written submission, it is a good idea to **(1)** identify who will take the lead on research and writing (or how these roles will be divided between organizations); **(2)** agree on a projected timeline and how editorial decisions will be made; and **(3)** discuss how to address differences of opinion on what information should be included in the submission. There is a lot of coordination in drafting a joint submission, so it is important to remember the time that a back and forth over the content of a written submission can take, as well as time needed for any internal sign off procedures that organizations may have. For a joint hearing request, it would also be a good idea to discuss who will fill out the online form to request the hearing, who will present if the hearing is approved, and how the time of the hearing will be divided.

It is also possible to develop coalitions around broader Inter-American system advocacy without submitting joint statements or hearing requests. For example, by joining the [International Coalition of Organizations for Human Rights in the Americas](#) or the [Gqual Campaign](#).

In addition to the potential benefits of leveraging a collective voice before the Inter-American system, there are often benefits to the connections made between organizations when they form such coalitions. These can include facilitating an exchange of ideas and expertise and strengthening partnerships for pushing for the full implementation of the recommendations and orders that emerge from the Inter-American system.



## Follow-up and Implementation at the Country Level

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Advocacy to obtain strong statements, recommendations, reports, and decisions from the bodies of the Inter-American system is an important strategy in advancing the rights of women and girls with disabilities. However, securing the statements, recommendations, or orders alone is insufficient. It is important to follow up on the recommendations, guidance, and decisions from the Inter-American system bodies to ensure that they are actually implemented by States in a way that improves the situation of women and girls with disabilities on the ground.

There are a number of things that advocates can do to push for implementation of Inter-American system recommendations, guidelines, and decisions at all stages of the advocacy process. Indeed, the process of implementation begins even before the final decisions are issued, and the follow-up often continues for several years.

The first step for implementing human rights recommendations and orders from the bodies of the Inter-American system, especially for country-related advocacy, is to use them to push for change at the local and national level. Advocates should begin thinking about strategies for implementation even before recommendations or decisions are handed down, including:

- ▶ **Building partnerships or coalitions with like-minded organizations:** As discussed above, developing relationships with other human rights or social justice-oriented NGOs to coordinate advocacy at the Inter-American system can facilitate an exchange of ideas, expertise, and support to push for implementation of human rights standards at home. Given that NGOs have different connections, donors, and networks of support, partnerships can help leverage these varied connections to influence a wider range of stakeholders and key decision-makers.
- ▶ **Engaging with local and national government:** Engaging with Inter-American system mechanisms presents a number of opportunities to interact with local or national government officials, including the opportunity to identify potential allies among key decision-makers. When the Inter-American Commission plans a country visit, civil society and government officials may coordinate in planning and facilitating the country visit. Civil society who attend the Commission's periods of sessions can speak informally with members of the State's delegation to raise awareness of issues and build connections. Civil society can also use increased attention around hearings and the release of resolutions, thematic or country reports, or individual case decisions to advance conversations with law- and policy-makers about key issues.
- ▶ **Raising awareness through media strategies:** As discussed below, press releases, resolutions, reports, recommendations and judgments issued by the bodies of the Inter-American system can generate media interest in a human rights issue. Leveraging this new or renewed interest in an issue can be a valuable tool for conveying key advocacy messages, raising public awareness, and influencing key decision-makers. Disseminating information about findings, recommendations, and orders from the bodies of the Inter-American system is a crucial component of follow-up and implementation, and media and digital strategies can be an effective tool in aiding the process of dissemination.

It is essential to continue to monitor any steps the government is taking to implement human rights recommendations and orders, as well as the State's failure to implement them (and the factors impeding such implementation).

## Media and Digital Strategies

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An effective media and digital strategy can be helpful both for raising public awareness of an issue and for putting pressure on or mobilizing key decision-makers around issues. An organization's advocacy before the Inter-American system—and the reports, recommendations, resolutions, opinions, judgments, and other decisions that they issue—can be used to generate attention in the media. There are a few things that advocates can do to bolster the attention that Inter-American system advocacy can receive in the media, including:

- ▶ **Cultivating relationships with journalists:** Journalists seek sources for their stories that are credible experts on an issue and can provide timely information and appropriate context in order for non-experts to understand the issue. Connecting journalists to others who can contribute to a story is another way to make oneself a valuable source. Cultivating a strong relationship with journalists can facilitate coverage of an organization's issues in the press and can bolster media interest in an organization's press releases or press conferences.
- ▶ **Link issues to newsworthy items:** Media tends to cover issues that are timely and newsworthy. Connecting the issues that an organization raises at the Inter-American system to other timely issues—such as a law that is being considered by lawmakers, a recent event, or other newsworthy issues—can improve the likelihood of garnering media interest.
- ▶ **Creating news:** Issues that concern a large number of people, that raise broader community issues, or that involve conflict, controversy, or injustice generate media interest. Providing journalists with reliable information about interesting, important, and easy-to-cover subjects can improve the likelihood of media coverage.
- ▶ **Press releases:** Civil society can issue press releases before and/or after thematic hearings before the Inter-American Commission or when the bodies of the Inter-American system publish a resolution or decision.
- ▶ **Organizing viewing and discussion events:** Given that public hearings before the bodies of the Inter-American system are usually webcasted live, civil society can organize events where people who are not able to travel to the location of the hearing can attend to view the hearing and participate in a discussion. Advocates can confirm with the Press Office of the Inter-American Commission or Court, that the hearing will be webcast live.
- ▶ **Social media:** Civil society can make broad use of social media networks to amplify the impact of their work, including by disseminating their press releases, sharing posts from the Inter-American system bodies and experts, and tagging relevant actors (State authorities, media sources, etc.).

Although aimed at National Human Rights Institutions working in the Asia-Pacific region, the [Asia Pacific Forum's Media Handbook for National Human Rights Institutions](#) contains helpful information for developing an effective media strategy around human rights issues generally. The Advocates for Human Rights' [Guide to Human Rights Fact-finding, Documentation, and Advocacy](#), has helpful appendices on using social media and issuing effective press releases. Websites like [edX.org](#) and [coursera.org](#) offer free online learning resources on digital communications, citizen journalism through media, and other relevant subjects.

## Glossary

### Acronyms and Abbreviations

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<b>American Convention</b>	American Convention on Human Rights
<b>American Declaration</b>	American Declaration of the Rights and Duties of Man
<b>CIADDIS</b>	Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities
<b>CIM</b>	Inter-American Commission of Women
<b>CEDDIS</b>	Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities
<b>Inter-American Commission/IACHR</b>	Inter-American Commission on Human Rights
<b>Inter-American Court</b>	Inter-American Court of Human Rights
<b>Inter-American System</b>	Inter-American Human Rights System
<b>MESECVI</b>	Follow-up Mechanism to the Belém do Pará Convention
<b>OAS</b>	Organization of American States

### Terminology

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**Civil Society:** The sector of society comprised of individuals and organizations that operate independently from the government.

**Due Diligence:** A State's legal obligation to take all necessary steps to address human rights violations, including those committed by private actors. In the context of gender-based violence, a State's due diligence obligation is generally considered to require the State to take steps to prevent gender-based violence, to protect victims of gender-based violence, to investigate, prosecute and punish perpetrators of gender-based violence, and to provide adequate remedies to victims.

**Entry into Force:** The date on which a treaty becomes legally enforceable.

**Exhaustion of Domestic Remedies:** The pursuit of all available national mechanisms, such as court or administrative procedures, to remedy a human rights violation. International human rights law requires that a person or organization filing an individual complaint with an international or regional human rights body first give the national government an opportunity to fix the human rights violation.

**Gender-Based Violence:** Violence based on gender that results in, or is likely to result in, physical, sexual, or mental harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

**Indicators: Information** about a specific issue (typically in the form of a statistic) that enables comparisons to be made spanning time and location.

**Intersecting/Multiple Forms of Discrimination:** Identifying characteristics—such as sex, disability, age, sexual orientation, gender identity, sexual orientation, race or ethnicity, national origin, or social status—overlap or intersect to expose an individual (or groups of individuals) to heightened risk or unique forms of discrimination.

**Non-State Actor:** A private individual, corporation, or organization who is not acting on behalf of any governmental body.

**Protocol:** A treaty that is supplementary to the primary treaty.

**Person(s) with Disabilities:** The generally preferred term to refer to an individual with a disability, recognizing that the individual is a person first and foremost. This is the term used in the United Nations Convention on the Rights of Persons with Disabilities and has been incorporated into the jurisprudence of both the Inter-American Commission and the Inter-American Court.

**Person(s) without Disabilities:** The appropriate term to refer to persons who do not have any disabilities as a comparison to the experience of those who do have disabilities. NOTE: Do not use the term “normal” to refer to individuals who do not have any disabilities.

**Ratify:** A legal term to describe when a State consents to be bound by the terms of a treaty.

**Recognize Competency:** To recognize the authority of a treaty body or other entity to undertake a certain legal action.

**Secretariat:** The executive arms of the OAS and the bodies of the Inter-American system responsible for carrying out the day-to-day work.

**State Actor:** An individual or entity acting on behalf of a governmental body.

**State Party:** A State that has ratified a treaty and is therefore legally bound by the obligations under the treaty.

**Treaty:** An international legal agreement between two or more States where the parties agree to be bound by the terms of the written agreement.

## Additional Resources

### Official OAS and Inter-American System Websites

- ▶ Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities (CEDDIS), [https://www.oas.org/en/sedi/ddse/pages/index-4\\_committee.asp](https://www.oas.org/en/sedi/ddse/pages/index-4_committee.asp)
- ▶ Follow-up Mechanism to the Belém do Pará Convention (MESECVI), <http://www.oas.org/en/mesecvi/default.asp>
- ▶ Inter-American Children's Institute (IIN), <http://www.iin.oea.org>
- ▶ Inter-American Commission of Women (CIM), <http://www.oas.org/en/cim/>
- ▶ Inter-American Commission on Human Rights (IACHR), <http://www.iachr.org/>
- ▶ Inter-American Court of Human Rights (IACtHR), <https://www.corteidh.or.cr/index.cfm?lang=en>
- ▶ Inter-American Institute of Human Rights (IIDH), <https://www.iidh.ed.cr>
- ▶ Organization of American States (OAS), <http://www.oas.org/>
- ▶ Pan American Health Organization (PAHO), <https://www.paho.org/hq/index.php?lang=en>
- ▶ Sub-regional Organizations in the Americas, [http://www.oas.org/en/about/subregional\\_organizations.asp](http://www.oas.org/en/about/subregional_organizations.asp)
- ▶ Working Group of the Protocol of San Salvador (Working Group to Examine the National Reports envisioned in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the Protocol of San Salvador), <http://www.oas.org/en/sare/social-inclusion/protocol-ssv/working-group.asp>

### Guides and Primers for Advocacy with the Inter-American System

- ▶ Caroline Bettinger-López, *The Inter-American Human Rights System: A Primer* (2008), [https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1598&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1598&context=fac_articles)
- ▶ Center for Justice and International Law (CEJIL), *Publications* (including case-law compilations and position papers for Inter-American system advocacy), <https://www.cejil.org/en/publications>
- ▶ International Institute on Race, Equality and Human Rights (Race and Equality), *Manual on how to use the Inter-American Human Rights System – Practical Guide for NGOs* (June 2017), only available in Spanish: [https://raceandequality.org/wp-content/uploads/2017/06/Uso\\_del\\_Sistema\\_Interamericano.pdf](https://raceandequality.org/wp-content/uploads/2017/06/Uso_del_Sistema_Interamericano.pdf)
- ▶ International Institute on Race, Equality and Human Rights (Race and Equality), *Precautionary Measures at the Inter-American Commission on Human Rights (IACHR): Function and Process* (May 2020), only available in Spanish, Guide for Attorneys ([https://raceandequality.org/wp-content/uploads/2020/05/texto-medidas-con-1\\_compressed.pdf](https://raceandequality.org/wp-content/uploads/2020/05/texto-medidas-con-1_compressed.pdf)) and Guide for Human Rights Activists ([https://raceandequality.org/wp-content/uploads/2020/05/cartilla-final\\_05\\_2020.pdf](https://raceandequality.org/wp-content/uploads/2020/05/cartilla-final_05_2020.pdf))
- ▶ International Justice Resource Center, *Video: Advocacy before the Inter American System for the Protection of Human Rights* (Mar 31, 2014), <https://www.youtube.com/watch?v=NpN2R3hp-EQ>
- ▶ International Justice Resource Center, *Advocacy before the Inter-American System: A Manual for Attorneys and Advocates* (Revised March 2014), <https://ijrcenter.org/wp-content/uploads/2014/03/Advocacy-before-the-Inter-American-System-A-Manual-for-Attorneys-and-Advocates.pdf>

[content/uploads/2014/03/Manual-Advocacy-before-the-Inter-American-System-2014.pdf](#). Also available in Spanish, Portuguese, and Haitian Creole at: [https://ijrcenter.org/regional/inter-american-system/#Resources\\_for\\_Advocates](https://ijrcenter.org/regional/inter-american-system/#Resources_for_Advocates)

- ▶ International Justice Resource Center, *Civil Society Access to International Oversight Bodies: Inter-American Commission on Human Rights* (May 2019), <https://ijrcenter.org/wp-content/uploads/2019/05/Civil-Society-Access-IACHR-2019.pdf>
- ▶ International Justice Resource Center, *Inter-American Human Rights System Resources*, [https://ijrcenter.org/regional/inter-american-system/#Resources\\_for\\_Advocates](https://ijrcenter.org/regional/inter-american-system/#Resources_for_Advocates)

## Electronic Research Tools

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- ▶ Global Disability Rights Now!, <https://www.globaldisabilityrightsnow.org>
- ▶ Human Rights Legal Search Engine (*Buscador Jurídico de Derechos Humanos*) (for researching UN and Inter-American system standards and documents, only available in Spanish), <https://www.bjdh.org.mx/>
- ▶ Inter-American Commission, Hearings Advanced Search Tool, <http://www.oas.org/es/cidh/audiencias/advanced.aspx?lang=en>
- ▶ SUMMA / The IAHRs Online, by Center for Justice and International Law (CEJIL), <https://summa.cejil.org/en/>
- ▶ Themis Digest (for researching Inter-American Court jurisprudence, only available in Spanish), <https://www.corteidh.or.cr/cf/themis/digesto/digesto.cfm>

## Regional and International NGOs and Networks

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- ▶ Amnesty International, <https://www.amnesty.org/en/>
- ▶ Center for Justice and International Law (CEJIL), <https://www.cejil.org/en>
- ▶ Center for Reproductive Rights (CRR), <https://www.reproductiverights.org/>
- ▶ Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), only available in Spanish, <https://cladem.org>
- ▶ Disability Rights International (DRI), <https://www.driadvocacy.org>
- ▶ Guttmacher Institute, <https://www.guttmacher.org/>
- ▶ Human Rights Watch, <https://www.hrw.org>
- ▶ Instituto Interamericano sobre Discapacidad y Desarrollo Inclusivo (IIDI), only available in Spanish, <https://www.facebook.com/iiDienred>
- ▶ International Disability Alliance, [www.internationaldisabilityalliance.org](http://www.internationaldisabilityalliance.org)
- ▶ International Federation for Human Rights (FIDH), <https://www.fidh.org/en/>
- ▶ International Institute on Race, Equality and Human Rights (Race and Equality), <https://raceandequality.org>
- ▶ Protection International (PI), <https://www.protectioninternational.org>
- ▶ Red Latinoamerica de Organizaciones no Gubernamentales de Personas con Discapacidad y Sus

Familias (RIADIS), <https://www.riadis.org>

- ▶ Red por los Derechos de las Personas con Discapacidad (REDI), <http://www.redi.org.ar/index.php>
- ▶ Red Regional por la Educación Inclusiva—Latinoamérica (RREI), only available in Spanish, <https://rededucacioninclusiva.org>
- ▶ Robert F. Kennedy Human Rights, <https://rfkhumanrights.org>
- ▶ Synergía – Initiatives for Human Rights, <https://synergiaihhr.org>
- ▶ Women Enabled International (WEI), <https://womenenabled.org>
- ▶ Women’s Link Worldwide (WLW), <https://www.womenslinkworldwide.org/en>

## National NGOs

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- ▶ Directory of Civil Society Organizations, <http://www.oas.org/en/mesecvi/civilsociety.asp>
- ▶ Member Organizations of the Global Alliance for the Rights of Older People, <https://rightsofolderpeople.org/list-of-members/>
- ▶ OAS Civil Society Registry, [http://www.oas.org/en/ser/dia/civil\\_society/registry.shtml](http://www.oas.org/en/ser/dia/civil_society/registry.shtml)
- ▶ Pro Bono Guide (by country), <https://www.cejil.org/en/pro-bono-guide-0>

## Templates or Models for Written Submissions before the Inter-American system

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- ▶ *Amicus Curiae* briefs filed by the Center for Justice and International Law (CEJIL), <https://www.cejil.org/en/amicus-curiae-0>
- ▶ Inputs to the Questionnaire for the Inter-American Commission’s thematic report on Business and Human Rights: Inter-American Standards (August 8, 2018), <http://www.dplf.org/en/resources/iachr-inputs-questionnaire-thematic-report-business-and-human-rights-inter-american>
- ▶ Main briefs filed in certain cases heard by the Inter-American Court, [https://www.corteidh.or.cr/cf/Jurisprudencia2/listado\\_expedientes.cfm?lang=en](https://www.corteidh.or.cr/cf/Jurisprudencia2/listado_expedientes.cfm?lang=en)
- ▶ Written reports presented in the context of thematic hearings before the Inter-American Commission, <http://www.dplf.org/en/iachr-thematic-hearings>

## Academic and Other Resources on the Inter-American System

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- ▶ Antônio Augusto Cançado Trindade, *Informe: Bases para un Proyecto de Protocolo a la Convención Americana sobre Derechos Humanos para Fortalecer su Mecanismo de Protección*, 2003, <http://www.corteidh.or.cr/tablas/a11694.pdf>
- ▶ Cecilia Cristina Naddeo, *The Inter-American System of Human Rights: A Research Guide*, Update by Francisco A. Avalos, 2d ed. 2016, [https://www.nyulawglobal.org/globalex/Inter\\_American\\_Human\\_Rights1.html](https://www.nyulawglobal.org/globalex/Inter_American_Human_Rights1.html)



- ▶ Columbia Law School Human Rights Institute, *Using Thematic Hearings at the Inter-American Human Rights Commission to Advance U.S Human Rights Accountability: A Resource for the Bringing Human Rights Home Lawyers' Network*, March 2016, [https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/iachr\\_thematic\\_hearings\\_resource\\_1\\_0.pdf](https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/iachr_thematic_hearings_resource_1_0.pdf)
- ▶ Diego Rodríguez Pinzón & Claudia Martín, *The prohibition of torture and ill-treatment in the Inter-American Human Rights System: A handbook for victims and their advocates*, Revised and edited by Helena Solà Martín, OMCT Handbook Series, Volume 2, 2d ed., 2014, [https://www.omct.org/files/2014/11/22956/v2\\_web\\_guide\\_interamricain\\_en\\_omc14.pdf](https://www.omct.org/files/2014/11/22956/v2_web_guide_interamricain_en_omc14.pdf)
- ▶ Dinah Shelton, *The Rules and the Reality of Petition Procedures in the Inter-American Human Rights System*, Notre Dame Journal of International & Comparative Law, Volume 5, Issue 1, Article 2 (2015), <http://www.corteidh.or.cr/tablas/r35064.pdf>
- ▶ Felipe González, *Urgent Measures in the Inter-American Human Rights System*, Sur: International Journal on Human Rights, December 2010, <https://sur.conectas.org/en/urgent-measures-in-the-inter-american-human-rights-system/>
- ▶ James L. Cavallaro et al., *Doctrine, Practice and Advocacy in the Inter-American Human Rights System*, Oxford University Press, 2019, <https://global.oup.com/academic/product/doctrine-practice-and-advocacy-in-the-inter-american-human-rights-system-9780190900861?cc=ar&lang=en&>



## Endnotes

- <sup>1</sup> <https://www.linkedin.com/in/paola-limon.>
- <sup>2</sup> WORLD HEALTH ORGANIZATION [WHO] & THE WORLD BANK, WORLD REPORT ON DISABILITY 28 (2011), [https://www.who.int/disabilities/world\\_report/2011/report.pdf?ua=1](https://www.who.int/disabilities/world_report/2011/report.pdf?ua=1).
- <sup>3</sup> ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN [ECLAC], REGIONAL REPORT ON MEASURING DISABILITY: OVERVIEW OF THE DISABILITY MEASUREMENT PROCEDURES IN LATIN AMERICA AND THE CARIBBEAN 11, U.N. Doc. LC/L.3860 (C.13/3) (2014), [https://repositorio.cepal.org/bitstream/handle/11362/36945/1/S1420250\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/36945/1/S1420250_en.pdf).
- <sup>4</sup> HEIDI ULLMANN ET AL., INFORMATION AND COMMUNICATIONS TECHNOLOGIES FOR THE INCLUSION AND EMPOWERMENT OF PERSONS WITH DISABILITIES IN LATIN AMERICA AND THE CARIBBEAN 10-11, U.N. Doc. LC/TS.2018/48/\* (2018), [https://repositorio.cepal.org/bitstream/handle/11362/43744/4/S1800975\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/43744/4/S1800975_en.pdf).
- <sup>5</sup> ECLAC, SOCIAL PANORAMA OF LATIN AMERICA 196 (2012), [https://repositorio.cepal.org/bitstream/handle/11362/1248/1/S2012960\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/1248/1/S2012960_en.pdf).
- <sup>6</sup> LUANA MARQUES GARCIA OZEMELA ET AL., INTER-AM. DEV. BANK, VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITIES: LATIN AMERICA AND THE CARIBBEAN 15-16, 20-22, Policy Brief N° IDB-PB-302 (2019), <https://publications.iadb.org/en/violence-against-women-and-girls-disabilities-latin-america-and-caribbean>.
- <sup>7</sup> Cuba was excluded from the OAS in 1962, but the effects of this decision ceased on June 3, 2009, and Cuba was invited to initiate a dialogue to return to activities within the OAS. Despite this, to date, Cuba does not participate in any OAS spaces, but the Inter-American Commission continues to actively monitor the human rights situation in the country.
- <sup>8</sup> For example, in the *Case of Baby Boy* regarding the United States of America, the Inter-American Commission stated that “as a consequence of articles 3i, 16, 51e, 112 and 150 of [the Charter of the OAS], the provisions of other instruments and resolutions of the OAS on human rights [approved with the vote of the United States], acquired binding force.” Among those instruments, the Inter-American Commission expressly mentioned the American Declaration. Case 2141, Inter-Am. Comm’n H.R., Annual Report 1980-1981, Resolution 23/8, OEA/Ser.L/V/II.54, Doc. 9 rev. 1. ¶ 16 (1981), <http://cidh.org/annualrep/80.81eng/USA2141.htm>.
- <sup>9</sup> Pedro Nikken, “La Declaración Universal y la Declaración Americana. La formación del Derecho Internacional de los Derechos Humanos,” in *Revista Instituto Interamericano de Derechos Humanos (No. Especial)* 66, 86 (1985), <https://www.iidh.ed.cr/IIDH/media/1605/numero-especial-1985.pdf>.
- <sup>10</sup> *Caso Lagos del Campo v. Perú*, Inter-Am. Ct. H.R. (ser. C), No. 340 (Aug. 31, 2017). See also, Jorge Calderón Gamboa, *La puerta de la justiciabilidad de los derechos económicos, sociales y culturales en el Sistema Interamericano: relevancia de la sentencia “Lagos del Campo,”* in *INCLUSIÓN, IUS COMMUNE Y JUSTICIABILIDAD DE LOS DESCAs EN LA JURISPRUDENCIA INTERAMERICANA. EL CASO LAGOS DEL CAMPO Y LOS NUEVOS DESAFÍOS. COLECCIÓN CONSTITUCIÓN Y DERECHOS* 333, 336 (Eduardo Ferrer Mac-Gregor et al., eds., 2018), <https://biblio.juridicas.unam.mx/bjv/detalle-libro/4817-inclusion-ius-commune-y-justiciabilidad-de-los-desca-en-la-jurisprudencia-interamericana-el-caso-lagos-del-campo-y-los-nuevos-desafios-coleccion-constitucion-y-derechos>.
- <sup>11</sup> *Caso Lagos del Campo v. Perú*, *supra* note 10. See also, Jorge Calderón Gamboa, *supra* note 10, at 333-337.
- <sup>12</sup> Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, art. I, 33 I.L.M. 1534 (entered into force March 5, 1995).
- <sup>13</sup> Inter-American Convention on Forced Disappearance of Persons, art. II, 33 ILM 1429 (entered into force Mar. 28, 1996).
- <sup>14</sup> Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, art. II, AG/RES. 1608 (XXIX-O/99) (entered into force Sept. 14, 2001) [hereinafter CIADDIS].

- 15 Inter-Am. Comm'n H.R., Press Release No. 46/19: Concerned about Worsening Violence and Scarcity in Haiti, IACHR Unveils Plans for a Rapid and Integrated Response Coordination Unit to Monitor the Situation (Feb. 27, 2019), [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/046.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/046.asp).
- 16 Inter-Am. Comm'n H.R., Press Release No. 63/20: IACHR Implements Rapid and Integrated Response Coordination Unit for COVID-19 Pandemic Crisis Management (Mar. 28, 2020), [http://www.oas.org/en/iachr/media\\_center/PReleases/2020/063.asp](http://www.oas.org/en/iachr/media_center/PReleases/2020/063.asp).
- 17 Inter-Am. Comm'n H.R., Facebook (@CIDH.OEA), Twitter (@IACHumanRights), YouTube (@ComisionIDH), LinkedIn (<https://www.linkedin.com/company/comision-interamericana-de-derechos-humanos/>), Instagram (@cidh), and Flickr (<https://www.flickr.com/photos/cidh/collections>).
- 18 Inter-Am. Comm'n H.R., Rules of Procedure of the Inter-American Commission on Human Rights, arts. 43-44 (entered into force Aug. 1, 2013) [hereinafter Inter-Am. Comm'n Rules of Procedure], <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.
- 19 *Id.*, at art. 23; American Convention on Human Rights, art. 44, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 (entered into force July 18, 1978) [hereinafter American Convention].
- 20 Inter-Am. Comm'n Rules of Procedure, *supra* note 18, at art. 34.
- 21 The Inter-American Commission may recommend the ceasing of actions that are violating human rights, conducting an investigation to clarify the facts and punish those responsible, providing economic compensation for material and moral damages, measures of rehabilitation (medical, psychological, psychiatric, and/or psychosocial attention), measures of satisfaction (like public or private apologies or acknowledgments of international responsibility), and measures to ensure that similar violations will not be repeated (which may include legal or policy changes). For further and more detailed examples on the types of reparation measures that can be recommended by the Commission, see Inter-Am. Comm'n H.R., General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, OEA/Ser.L/V/II.173, Doc. 177 (Sept. 30, 2019), <http://www.oas.org/en/iachr/activities/follow-up/Directrices-en.pdf>
- 22 Inter-Am. Comm'n Rules of Procedure, *supra* note 18, at art. 29.
- 23 Inter-Am. Comm'n H.R., *Chapter III: Activities of the Thematic and Country Rapporteurships and Promotion and Training Activities* ¶ 7, in ANNUAL REPORT 2019 [hereinafter *Activities of the Thematic and Country Rapporteurships*], <http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap3-en.pdf>.
- 24 American Convention, *supra* note 19, at art. 41.b.
- 25 *Activities of the Thematic and Country Rapporteurships*, *supra* note 23, ¶ 49.
- 26 *Follow-Up Mechanism to the Ayotzinapa Case (MESA)*, INTER-AM. COMM'N H.R., <http://www.oas.org/en/iachr/activities/giei.asp>.
- 27 Inter-Am. Comm'n H.R., Press Release No. 131/16: IACHR Announces Launching of Implementation of GIEI Follow-Up Mechanism (Sept. 9, 2016), [http://www.oas.org/en/iachr/media\\_center/PReleases/2016/131.asp](http://www.oas.org/en/iachr/media_center/PReleases/2016/131.asp).
- 28 Inter-Am. Ct. H.R., Linktr.ee (<https://linktr.ee/corteidhofficial>), Facebook (@CorteIDH), Twitter (English: @IACourtHR, Spanish: @CorteIDH), YouTube (@Videos Corte IDH), LinkedIn (<https://cr.linkedin.com/in/corte-interamericana-de-derechos-humanos-03015319b>), Instagram (@corteidhofficial), Flickr (<https://www.flickr.com/photos/corteidh>), Vimeo (<https://vimeo.com/corteidh>).
- 29 American Convention, *supra* note 19, at art. 63.2; Inter-Am. Ct. H.R., Rules of Procedure of the Inter-American Court of Human Rights, arts. 27.1, 27.3 (entered into force Jan. 1, 1997), <https://www.cidh.oas.org/basicos/english/basic20.rules%20of%20procedure%20of%20the%20court.htm>; *Provisional Measures with Regard to El Salvador in the Matter of B.*, Inter-Am. Ct. H.R., Judgment of May 29, 2013, ¶ 7, [https://www.corteidh.or.cr/docs/medidas/B\\_se\\_01\\_ing.pdf](https://www.corteidh.or.cr/docs/medidas/B_se_01_ing.pdf).

- <sup>30</sup> CIM, Facebook (@ComisionInteramericanaDeMujeres), Twitter (@CIMOAS), Flickr ([https://www.flickr.com/photos/inter\\_american\\_commission\\_of\\_women/](https://www.flickr.com/photos/inter_american_commission_of_women/)), and CIMNet Blog (<https://dialogocim.wordpress.com>).
- <sup>31</sup> CIADDIS, *supra* note 14, at art. VI.5.
- <sup>32</sup> Departamento de Inclusión Social, *Observación General del Comité para la Eliminación de Todas las formas de Discriminación contra las Personas con Discapacidad, sobre la necesidad de interpretar el artículo I.2, Inciso B*, OEA/ Ser.L/XXIV.3.1 CEDDIS/doc.12 (I-E/11) Rev.1 (Apr. 28, 2011) (only available in Spanish).
- <sup>33</sup> Archive decisions are final, except in cases of material errors, new facts, new information that would have affected the Commission's decision, or fraud. Archive decisions are listed at: <http://www.oas.org/en/iachr/decisions/archive.asp>. See, American Convention, *supra* note 19, at art. 48.1.b; Inter-Am. Comm'n Rules of Procedure, *supra* note 18, at art. 42.
- <sup>34</sup> Inter-Am. Comm'n H.R., Factsheet on How to Request Precautionary Measures (2020), [http://www.oas.org/es/cidh/docs/pdfs/2020/FactSheets\\_MedidasCautelares-EN.pdf](http://www.oas.org/es/cidh/docs/pdfs/2020/FactSheets_MedidasCautelares-EN.pdf).
- <sup>35</sup> Inter-Am. Comm'n H.R., Res. 3/2018 (May 10, 2018), <http://www.oas.org/en/iachr/decisions/pdf/Resolution-3-18-en.pdf>.
- <sup>36</sup> Inter-Am. Comm'n Rules of Procedure, *supra* note 18, at art. 25.9 - 25.11.
- <sup>37</sup> See <http://www.oas.org/es/cidh/multimedia/sesiones/default.asp>; <http://www.oas.org/es/cidh/audiencias/advanced.aspx?lang=en>.
- <sup>38</sup> See, e.g., Inter-Am. Comm'n H.R., Press Release No. 038/19: IACHR Concludes 171st Period of Sessions (Feb. 21, 2019), [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/038.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/038.asp).
- <sup>39</sup> See, e.g., Inter-Am. Comm'n H.R., Press Release No. 115/16: ACHR Receives Information for Follow-Up Reports on Guatemala, Honduras, Mexico and Dominican Republic (Aug. 15, 2016), [http://www.oas.org/en/iachr/media\\_center/PReleases/2016/115.asp](http://www.oas.org/en/iachr/media_center/PReleases/2016/115.asp).
- <sup>40</sup> American Convention, *supra* note 19, at art. 41; Inter-Am. Comm'n H.R., Statute of the Inter-American Commission on Human Rights, art 18 (approved August 1979), <http://www.oas.org/en/iachr/mandate/Basics/statuteiachr.asp>.
- <sup>41</sup> See, e.g., Inter-Am. Ct. H.R., Press Release No. 49/19: Open Call to Submit Observations to the New Advisory Opinion Request Regarding Trade Union Freedom (Oct. 15, 2019), [http://www.corteidh.or.cr/docs/comunicados/cp\\_49\\_19\\_eng.pdf](http://www.corteidh.or.cr/docs/comunicados/cp_49_19_eng.pdf).
- <sup>42</sup> See, e.g., Inter-Am. Comm'n H.R., Press Release No. 166/19: IACHR and Inter-American Court of Human Rights invite to the Third Forum of the Inter-American Human Rights System and call for proposals of parallel events (Jul. 3, 2019), [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/166.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/166.asp).