

## Successes and challenges in Regional Human Rights Systems. The work of the Inter-American Commission of Human Rights

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As President of the Inter-American Commission on Human Rights, it is an honor to participate in this event on the 40th anniversary of the entry into force of the American Convention on Human Rights and the birth of the Inter-American Court of Human Rights.

I have been asked to address the topic of the work of the Inter-American Commission (IACHR). To do this, I will start by stating that even though the Commission —unlike the Inter-American Court— was not created through the Inter-American Convention of Human Rights, the Convention, and in particular Article 41 of it, constituted a fundamental milestone in the consolidation, strengthening and harmonization of the powers and attributes of the Commission.

The IACHR's dual mandates of promotion and protection of human rights must be understood as interrelated. The mechanisms which make up both of the mandates complement each other and feed on each other.

Regarding its monitoring functions, in the last 40 years the Commission has issued 56 Reports on the situation of human

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rights within States Parties. These were prepared mainly as a result of on-site and working visits carried out by the Commission. These works were complimented by the thematic priorities that the Commission defined over the decades of its work, and which led to the creation of Rapporteurships and Thematic Units. Within this framework, the Commission has issued more than 60 thematic reports. Pursuant to the provisions of the American Convention, the Commission has been improving, through its practices and regulations, the mechanisms through which it receives and requests information on the human rights situation within States Parties as well as on specific topics in accordance with its thematic priorities.

Through these reports and actions, the IACHR has complied with its conventional mandate to make recommendations to the States in order to promote the observance of human rights, which have been and are being translated into institutional, regulatory, and public policy changes in the States Parties. In addition, its monitoring function has allowed the Commission to address structural contexts of human rights violations, which in turn have had an impact on its system of addressing petitions and individual cases.

In this regard, under the procedures established by the American Convention since it entered into force, the IACHR has processed thousands of petitions and cases and sent hundreds of cases to the jurisdiction of the Inter-American Court. During today's important event, we will have the opportunity to talk in greater depth about the important jurisprudence that the Court has been able to develop from these cases, as well as through its advisory function. But it is of fundamental importance that the organs of the Inter-American system, because of the system of petitions and cases provided for in the American Convention, have provided justice and reparation to many thousands of victims of human rights violations within our region.

In this regard, I would like to reflect briefly on the fundamental importance of ratifying the American Convention for States Parties and for the entire region. Universal ratification of the Convention will permit us to strengthen, consolidate, and harmonize human rights standards within all the countries and regionally,

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and to amplify the promise of international human rights protection for all the peoples of the hemisphere.

Reflecting on the integration and intersectional approach of the attributes which the American Convention gave and gives to the IACHR, I will speak briefly about the Commission's Strategic Plan 2017-2021, which was approved on March 22, 2017, after a wide participatory process. Given that it is the main instrument of institutional management which addresses the contemporary challenges of the work of the IACHR, I will refer to some of its key aspects.

For the period 2017-2021, the Inter-American Commission will prioritise a series of issues and populations, some of which have been identified through the work of its Rapporteurships. Among the priority groups identified are indigenous peoples, women, migrants, refugees, stateless persons, victims of trafficking in persons and internally displaced persons, Afro-descendants, children and adolescents, human rights defenders, persons deprived of liberty; lesbians, gays, bisexuals, trans and intersex individuals, people with disabilities and older persons. The Plan includes three priority thematic areas: the right to freedom of expression, economic, social, cultural and environmental rights and right to memory, truth and justice.

In addition, the Strategic Plan contains 6 transversal axes: democratic institutionalidad, judicial and prosecutorial independence and access to justice, human rights institutionalidad, security and violence, development and human rights, gender equality and diversity.

The Plan is developed through 5 strategic objectives and 21 work programs. I will briefly comment on the scope of each of these objectives. The first objective seeks to strengthen the system of petitions and cases, friendly settlements and precautionary measures, with the aim of contributing to the development of a more effective, timely and accessible Inter-American justice system to overcome impunity practices in the region and achieve comprehensive reparation of the victims. This objective directly links the functions of the Commission and the Court.

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It is well-known that one of the great challenges that the Commission faces is its procedural backlog. It is also well known that the main cause of the creation and persistence of the procedural backlog is the insufficient financing of the Commission with the result of an insufficiency of human and other adequate resources to enable it to fulfill its mandate. This, when at the same time, the annual reports of the Commission clearly prove that the number of petitions submitted grows by hundreds and hundreds each year, as compared to the previous year. Thus, the procedural backlog is the result of growing demand plus insufficient resources.

Even under these conditions, the Commission has been exploring and implementing initiatives to address the procedural backlog with existing resources and within the parameters of its Regulations. The Commission therefore created a special group with the objective of addressing the chronic backlog at the initial study stage.

This group functioned between December 2014 and July 2016, achieving unprecedented results with more than 6000 requests evaluated within that period. With this initiative, the Commission had two very important achievements. On the one hand, it managed to overcome the procedural backlog in the initial study stage, making decisions on all the petitions that were submitted up to 2014. On the other hand, after the work of this special group was completed, the Commission has maintained the capacity in the registry group to carry out the initial study of the petitions in the calendar year immediately following the reception of the petition.

The Commission has also been implementing measures to deal with procedural delays in the admissibility and merits stages within the following measures:

- The more sustained use of the regulatory power of accumulation of petitions and cases which respond to the same normative, institutional or factual context; or in which there is similarity between the alleged facts; or they involve the same people.
- The adoption of summary (*per curiam*) decisions on the basis of previous determinations in substantially identical situations.

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- A more decisive and strict implementation of the policy of archiving petitions and cases, based primarily on the criterion of evidence of disinterest on the part of the petitioner.
- The increase in joint admissibility and merits decisions, specifically through the application of Resolution 1/16, which provides for the application of Article 36.3 of the Regulations to adopt a single decision on admissibility and merits, in a variety of situations.
- The simplification of the admissibility and inadmissibility reporting formats.
- The simplification of merits reports in aspects such as the description of the arguments of the parties, the citation of the evidence available and the narration of the facts not in dispute.

These measures have had concrete results. In 2017, the Commission exceeded the largest number of admissibility reports approved in a single year in its history and more than twice as many admissibility reports as compared to 2016. The Commission also approved more than twice as many merits reports in 2017 as compared to 2016. Recently, during its 168th session, the Commission decided to begin a second stage of the design and implementation of measures to address the procedural backlog.

Continuing with the Strategic Plan, the second objective seeks to address preventive measures and the factors that give rise to human rights violations, based on the coordinated use of the monitoring mechanisms and the Commission's capacity to ensure timely responses.

The third objective seeks to promote democracy, human dignity, equality, justice and fundamental freedoms through an active contribution to the strengthening of institutions and public policies with a focus on human rights in accordance with Inter-American norms and standards, as well as through building the capacity to act of non-governmental organizations, networks, and academic organizations in the defense of human rights.

The fourth objective is to give impetus to the universalization of the Inter-American Human Rights System through initiatives

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coordinated with the Inter-American Court and with other relevant actors. Universalization of the Inter-American system remains a great challenge. But I would also like to invite us all, on the occasion of this gathering, to take advantage of the opportunity to reflect on new initiatives to further this important task to which we can all contribute.

It should be noted that the Commission has been taking active steps to collaborate with global and other autonomous regional human rights mechanisms and CIM, during our respective meetings, our hearings, and through the publication of joint press releases and the sharing of information. Such collaborative acts are considered vital in this period of excessive violations such as to amount to a situation of crisis in our region and in the rest of the world.

The fifth objective seeks to guarantee the availability of all the necessary human, infrastructure, technology and budgetary resources required to fulfill the mandate and functions of the Commission. This is necessary, from an institutional result based management perspective, to ensure efficient and measurable institutional development.

Finally, the Plan contains a Special Program that is transversal in nature, and seeks to substantially improve the follow-up of the recommendations of the IACHR to the effectiveness of the Inter-American System and achieve its transformative impact. A fundamental aspect of the Strategic Plan is the creation of the Integral Monitoring and Follow-Up Plan.

Thus, the IACHR plans to continue a process of continuous and more effective evaluations and learning, which will also be equally participatory and it invites all the actors of our Inter-American system to work with us and accompany us in this process of ensuring true implementation of our recommendations by State Parties for the benefit of the peoples in our hemisphere.