Taking stock of developments in cooperation between United Nations and the Inter-American Commission on Human Rights

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It is a pleasure to be able to participate in this important meeting as the chair of the Inter-American Commission on Human Rights and to bring greetings to you on behalf my colleagues, the executive secretary and staff of the inter-American Commission on Human Rights.

The recommendations made in 2012 workshop prioritised information sharing, emphasised the instrumental role of focal points, the systematic cross referencing of jurisprudence and recommendations; participation of regional mechanisms in the UPR process by providing information and strengthening the capacity of national stakeholders in implementing international human rights standards. The IACHR can report some progress along all of these lines.

Information sharing

Let me take the first area of development—the exchange of information. Since the 2012 workshop, the IACHR has exchanged the list of personnel of the Executive Secretariat, and reports approved by the Commission. It also included the UN Focal Point and the Americas Division officials in its press releases list to assure that they get all the IACHR pronouncements on time. The Executive Secretary participated in strategic planning activities at the OHCHR.

The IACHR also has provided information for the universal periodic review (UPR) on 12 countries: Dominican Republic, Uruguay, Chile, Costa Rica, Nicaragua and
Dominica in 2013; and Bolivia, El Salvador, United States, Jamaica, Panama and Honduras in 2014.

The mandate of the Commission is to protect and promote human rights across the 35 member states of the OAS and the recommendations made by the United Nations. The pillars of our work have been first, a complaints or petitions system that receives about 2000 petitions a year, and I would add to that case system our response to about 400 requests for precautionary measures each year. A second pillar is that of monitoring human rights through country visits, thematic reports, press releases, hearings, and a third pillar, which is deeply interrelated to the others is that of promoting human rights, through training; the activities of thematic rapporteurs, among others. In all these three pillars of work, the recommendations made by UN bodies, the expertise of UN special procedures and its regional and country teams in Latin America and the Caribbean have become part of the everyday work of the Commission and indispensable to achieving its mission.

The case system

Nowhere is this more evident than in the case system. The Commission sends about a dozen to two dozen cases to the Inter American Court on Human Rights each year. It is now customary for us to offer both current and former special procedures as experts before the Court. Since the 2012 meeting, this has included at least eight such experts.

We can equally see over the last two years the consistent reference to the jurisprudence developed by UN bodies and their recommendations in both merits reports from the Commission and judgments delivered by the Court. This is seen in the Quintana Coello and others case (Ecuador), 2013, which relied on UN findings in the context of attacks to judicial independence, the Veliz Franco case in relation to killings of women and impunity driven by discriminatory stereotypes, decided this year, the Tide Mendez case in relation to discriminatory migration policies decided last year by the court.

UN general standards have been especially important in cases with no previous or established case law within the Inter American System. For example in 2012 in the groundbreaking case of Karen Atala Riff, UN standards were relied on for the analysis of the right of children to be heard within a procedure that could affect
them. In Furlan in 2012, UN standards were relied on by the Court again for the determination of state’s obligations to persons with disabilities.

Monitoring
In our monitoring of the human rights situation in the Americas the support of special procedures and desk to desk exchanges of information have become an imperative, especially in the increased on site visits undertaken by the commission over the last two years.

On site visits
In December 2012 and 2013 the Commission undertook visits to Columbia and Dominican Republic. It will visit Honduras in December 2014. There has been an exchange of information between the secretariats prior to these visits. For instance, for the preparation of the 2012 IACHR on site visit to the Dominican Republic, the Secretariat received an important amount of information from UNHCR. The same exchange of information has been executed, in the case of the working visits of the Thematic Rapporteurships to the OAS Member states. As an example for the visit of the Rapporteur of the Rights of the People Deprived of Liberty to Paraguay in August 2014, we received information from the Subcommittee on Prevention of Torture who conducted a visit to that country in 2013.

Special procedures in Sessions
Since 2012, the Commission has welcomed an increasing number of special procedures to participate in the IACHR sessions and hearings. Both in this period of sessions coming up in October and the last one in March we were pleased to have five special procedures visiting. I note for example, the participation of Special Rapporteur on Torture Juan Mendez on a hearing dealing the situation at Guantanamo Bay. Many of the visits during sessions support the preparation of reports, such as the recently published report by the rapporteurship on human rights defenders on justice operators. At the same time, delegations from the IACHR have participated in UN meetings such as the meeting of the Committee on the Rights of Persons with Disabilities.

Press releases
In our monitoring of the human rights situation in our region over the last two years we have joined with special procedures in issuing 9 joint statements or press releases, most on freedom of expression, about critical human rights concerns across the globe. On freedom of expression these have included recently violence against journalists and surveillance programmes. It is a sign of very important progress that about a half of those, included the participation of rapports from
the African system, including on the issues of homophobia and transphobia and racism, important concerns for our regions. The staff of the Commission has participated in activities in the Gambia, Pretoria, and Kenya over the last two years relating to the African system or involving the participation of the African Commission. We are especially pleased with growing relationship with the African system and hope on the next occasion to report on new substantial activities undertaken between us and increased cooperation overall.

Promotion

What is promising in relation to promotion of human rights is some best practices being established in relation to the rapporteurship on the rights of children and freedom of expression—joint visits, joint statements and joint reports. Commissioner Ortiz, has had strong cooperation with the UN Special Representative on Violence against Children and has worked closely with UNICEF in the preparation of specialist reports on children and dissemination of Inter American Standards relating to children. Joint visits, such as that undertaken by the rapporteur on Freedom of Expression in Brazil in December 2013 with then special rapporteur Frank La Rue facilitated not only monitoring but training activities that build the capacity of key state stakeholders, a recommendation made in 2012. For my own part, I hope next year to conduct a study tour with the Rapporteur on Violence against Women in the Caribbean.

Conclusion

Finally, not surprisingly, the financial constraints have been one of the most important limits to fully implementing the recommendations of 2012 and moving systematically from engagement and responses that are still to some degree ad hoc, even though they are substantial. The Commission is currently in the middle of a comprehensive reorganization process based in the specialization of responsibilities and plans to assign the inter-institutional relations to a specialized section which will be the Focal Point of the Commission. This measure is aimed to enhance the cooperation between the IACHR and other human rights mechanisms.

Money is not the only constraint we face. Many of us in regional systems face challenges to our very mandate and what we do. We spend our time protecting and promoting human rights and an increasing amount of time defending the legitimacy of that work. To that end, the Inter American Commission considers as a best practice, and very consequential one, the statements of support of the Inter
American System from the Office of the High Commissioner on Human Rights during the 2012-13 strengthening process. Cooperation between the UN and regional mechanisms will better realise our mutual mandates, but it will also play an important role in our survival and dynamism.