



**RESOLUTION 1/2013**  
**REFORM OF THE RULES OF PROCEDURE, POLICIES AND PRACTICES**

**Explanatory Statement**

1. Respect for human rights is one of the founding principles of the Organization of American States (OAS). The Inter-American Commission on Human Rights (IACHR), principal organ of the Organization created by its Charter, fulfills its mandate to promote the observance and protection of human rights and to serve as a consultative organ of the OAS in these matters through the following functions: it receives petitions and requests for urgent measures of protection, monitors the human rights situation in the OAS Member States, and, through its rapporteurships, devotes attention to priority thematic areas. In addition, it engages in actions and activities that include visits to OAS Member States, adopts reports on specific subjects and press releases, and provides training to government officials, civil society organizations, and other actors in the inter-American human rights system.

2. From 2011 to 2013, the Commission has developed a process for reform to its Rules, policies and practices with the aim of strengthening the promotion and protection of human rights. This process has as principal input the recommendations and observations presented by Member States, as well as those of other system stakeholders: civil society, victims, academy and other users.

3. On June 29, 2011, the Permanent Council of the OAS established a Special Working Group to Reflect on the Workings of the IACHR with a View to Strengthening the IAHRs ("Special Working Group"). On December 13, 2011, the Special Working Group approved a report containing 67 recommendations, 53 of them addressing the IACHR. The Report was adopted by the Permanent Council on January 25, 2012 and ratified by the General Assembly on June 5, 2012.

4. The Commission received these recommendations in an open and constructive frame of mind, based on the principle that any reform must be aimed at strengthening the protection and promotion of fundamental rights, which is the useful purpose for which this institution was established and one of the principal objectives of the Organization.

5. From that moment and until this date, the Commission has carefully considered its procedures and mechanisms, through a process that included discussion Forums, public consultations, and hearings in order to garner the opinions, inputs, and experiences of all stakeholders.

6. The present resolution of the Inter-American Commission on Human Rights is the outcome of that process.

7. The Commission wishes to acknowledge the contributions that Member States, national human rights institutions, civil society organizations, victims, academics, and other stakeholders have made to this reform. It welcomes their statements of support as an expression of trust in its mandate, as they are of fundamental importance in the strengthening process; the Commission hereby renews its commitment to the defense and promotion of the fundamental rights of the human person.

**HAVING SEEN,**

1. Article 106 of the Charter of the Organization of American States, which establishes that the function of the Inter-American Commission on Human Rights shall be “to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters”;

2. The American Convention on Human Rights ("the American Convention"), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador"), the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance of Persons, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities;

3. The 53 recommendations addressed to the Inter-American Commission in the Report of the Special Working Group for the Reflection on the functioning of the Inter-American Commission on Human Rights for the Strengthening of the Inter-American System for the protection of Human Rights, (OEA/Ser.G/GT/SIDH-13/11 rev.13), adopted by the Permanent Council on January 25, 2012 and ratified by the OAS General Assembly on June 5, 2012(AG/doc.5310/12);

4. The deliberations and conclusions of the Permanent Council, its Working Group concerning Strengthening of the Inter-American System for the protection of Human Rights and its Working Group on the preparation of the XLIV Special Assembly of the Organization, as well as the continuous contributions of organizations of the civil society, academia, victims and other users of the System throughout that period;

5. The observations issued on January 27, 2012 by more than 90 civil society organizations on the recommendations of the Special Working Group, and the Statement of the International Coalition of Human Rights Organizations in the Americas in representation of more than 700 entities of civil society, during a public hearing held by the Commission on March 28, 2012;

6. All presentations during the public hearing held by the Commission at its seat during its 144<sup>th</sup> Regular Period of Session and the response of the Commission to the Permanent Council of April 9, 2012;

7. The deliberations and conclusions of the Regional Seminar held in Washington DC on May 30, 2012, on the recommendations of the Special Working Group;

8. The methodology decided upon by the Commission on August 3, 2012 for the first consultation process on the process of reform of the Rules of Procedure, policies and practices, which was communicated to Member States on August 3, 2012 and publicly announced the same day. The methodology took as its point of departure three principles: wide participation of all stakeholders in the reform process; the Commission's independent and autonomous consideration and adoption of the measures conducive to strengthening its mandate after careful consideration of all inputs received; and, lastly, the importance of providing all the actions of the Commission with the highest level of effectiveness;

9. The four consultation modules on the topics of the reform of the Rules of Procedure: the individual petition system, precautionary measures, follow-up on the country situation and promotion and universality; and the fifth module, on other aspects relating to the strengthening of the System; and the responses received by 11 Member States and over a hundred organizations and persons;

10. The deliberations and conclusions of the five subregional forums held in relation to the Strengthening of the Inter-American System in Bogotá, Colombia; Santiago de Chile; San José de Costa Rica; México DF and Port-of-Spain in Trinidad and Tobago;

11. The deliberations and conclusions during the Meeting of Mexico DF, held on September 15 of 2012, in which delegates of 23 Member States and 26 civil society organizations participated;

12. The public hearing with Member States, held by the Commission at its headquarters on October 31, 2012, during its 146<sup>th</sup> Regular Period of Session, in which 22 States made statements; and the hearing with representatives of civil society held on the same date at its headquarters, in which 62 participants made statements;

13. The response of the Commission to the Permanent Council of the Organization in relation to the recommendations included in the Report of the Special Working Group for the Reflection on the functioning of the Inter-American Commission on Human Rights for the Strengthening of the Inter-American System for the protection of Human Rights, of October 23, 2012 (CP/INF.6541/12 corr. 1); and

14. The reform program issued by the Commission on February 15, 2013, which consisted of preparing reforms to the Rules of Procedure, the Strategic Plan and the relevant practices of the Commission; and the observations that, concerning the said program of reform, the Commission received from 10 States, 47 organizations of the civil society, three universities, eight persons in individual capacity and one national human rights institution.

#### **CONSIDERING**

1. That the outcome of the process of reform must be to strengthen the capacity of the Commission to fulfill, in an independent and autonomous manner, its mandate provided for in the Charter;

2. That the Commission must reconcile juridical certainty with the flexibility necessary to respond to the needs of victims and persons at risk, enhance the transparency of its actions by providing accessible, complete and relevant information in its accountability to all users of the System, and to identify best practices and challenges in the “protection of the essential rights of man and the creation of circumstances that will permit him to achieve spiritual and material progress and attain happiness”, enshrined in the American Declaration of the Rights and Duties of Man;

3. That in order to fulfill its mandate the Commission must harmoniously develop its functions of promotion and protection;

4. That the Commission must promote access of the victims of human rights violations to the inter-American system for the protection of human rights. Furthermore, the Commission must assist Member States in complying with their international responsibilities to strengthen their internal capacities and improve their mechanisms for the protection of human rights;

5. That friendly settlement is a valuable mechanism for the reparation of human rights violations and the prevention of their repetition through the impact of specific settlements on, inter alia, legislation and public policy;

6. That the reform of the Rules of Procedure of the Commission requires careful consideration and consultation with all stakeholders in the Inter-American System for the Protection of Human Rights; and

7. That, due to their complexity, the reform measures adopted in this resolution require an adequate period for the preparation of measures for their practical implementation, as well as the reception of additional resources.

## THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

In the exercise of the powers conferred on it by Article 39 of the American Convention, 22.2 of its Statute and 79 of its Rules of Procedure;

### DECIDES:

1. To amend Articles 25, 28, 29, 30, 36, 37, 42, 44, 46, 59, 72, 76 and 79 of its Rules of Procedure, approved during its 137<sup>th</sup> Regular Period of Session, held from October 28 to November 13, 2009, and amended on September 2, 2011, in the following manner:

#### Article 25 – Precautionary Measures

1. In accordance with Articles 106 of the Charter of the Organization of American States, 41.b of the American Convention on Human Rights, 18.b of the Statute of the Commission and XIII of the American Convention on Forced Disappearance of Persons, the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures. Such measures, whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system.
2. For the purpose of taking the decision referred to in paragraph 1, the Commission shall consider that:
  - a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
  - b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
  - c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.
3. Precautionary measures may protect persons or groups of persons, as long as the beneficiary or beneficiaries may be determined or determinable through their geographic location or membership in or association with a group, people, community or organization.
4. Requests for precautionary measures addressed to the Commission shall contain, inter alia:
  - a. identifying information for the persons proposed as beneficiaries or information that allows them to be determined;
  - b. a detailed and chronological description of the facts that motivate the request and any other available information; and
  - c. the description of the measures of protection requested.
5. Prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay. In that circumstance, the Commission shall review that decision as soon as possible,

or at the latest during its next period of sessions, taking into account the information received from the parties.

6. In considering the request the Commission shall take into account its context and the following elements:

- a. whether the situation has been brought to the attention of the pertinent authorities or the reasons why it would not have been possible to do so;
- b. the individual identification of the potential beneficiaries of the precautionary measures or the determination of the group to which they belong or are associated with; and
- c. the consent of the potential beneficiaries when the request is presented by a third party unless the absence of consent is justified.

7. The decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions that include, among others, the following elements:

- a. a description of the alleged situation and of the beneficiaries;
- b. the information presented by the State, if available;
- c. the considerations by the Commission concerning the requirements of seriousness, urgency, and irreparability;
- d. if applicable, the time period for which the measures will be in effect; and
- e. the votes of the members of the Commission.

8. The granting of such measures and their adoption by the State shall not constitute a prejudgment on the violation of any right protected by the American Convention on Human Rights or other applicable instruments.

9. The Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. At any time, the State may file a duly grounded petition that the Commission lift the precautionary measures in force. Prior to taking a decision on such a request, the Commission shall request observations from the beneficiaries. The presentation of such a request shall not suspend the precautionary measures in force.

10. The Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review.

11. In addition to the terms of subparagraph 9 above, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation.

12. The Commission may present a request for provisional measures to the Inter-American Court in accordance with the conditions established in Article 76 of these Rules. Any precautionary measures issued with respect to the matter shall remain in effect until the Court notifies the parties of its resolution of the request.

13. In the case of a decision of the Inter-American Court dismissing an application for provisional measures, the Commission shall not consider a new request for precautionary measures unless there are new facts that justify it. In any case, the Commission may consider the use of other mechanisms to monitor the situation.

**Article 28. Requirements for the Consideration of Petitions**

Petitions addressed to the Commission shall contain the following information:

1. the name of the person or persons making the denunciation; or in cases where the petitioner is a nongovernmental entity, its legal representative(s) and the Member State in which it is legally recognized;
2. whether the petitioner wishes that his or her identity be withheld from the State, and the respective reasons;
3. the e-mail address for receiving correspondence from the Commission and, if available, a telephone number, facsimile number, and postal address;
4. an account of the fact or situation that is denounced, specifying the place and date of the alleged violations;
5. if possible, the name of the victim and of any public authority who has taken cognizance of the fact or situation alleged;
6. the State the petitioner considers responsible, by act or omission, for the violation of any of the human rights recognized in the American Convention on Human Rights and other applicable instruments, even if no specific reference is made to the article(s) alleged to have been violated;
7. compliance with the time period provided for in Article 32 of these Rules of Procedure;
8. any steps taken to exhaust domestic remedies, or the impossibility of doing so as provided in Article 31 of these Rules of Procedure; and
9. an indication of whether the complaint has been submitted to another international settlement proceeding as provided in Article 33 of these Rules of Procedure.

**Article 29. Initial Processing**

1. The Commission, acting initially through the Executive Secretariat, shall receive and carry out the initial processing of the petitions presented. Each petition shall be registered, the date of receipt shall be recorded on the petition itself and an acknowledgement of receipt shall be sent to the petitioner.
2. The petition shall be studied in the order it was received; however, the Commission may expedite the evaluation of a petition in situations such as the following:
  - a. when the passage of time would deprive the petition of its effectiveness, in particular:
    - i. when the alleged victim is an older person or a child;
    - ii. when the alleged victim is terminally ill;

- iii. when it is alleged that the death penalty could be applied to the presumed victim;  
or
  - iv. when the object of the petition is connected to a precautionary or provisional measure in effect;
- b. when the alleged victims are persons deprived of liberty;
  - c. when the State formally expresses its intention to enter into a friendly settlement process in the matter; or
  - d. when any of the following circumstances are present:
    - i. the decision could have the effect of repairing serious structural situations that would have an impact in the enjoyment of human rights; or
    - ii. the decision could promote changes in legislation or state practices and avoid the reception of multiple petitions on the same matter.
3. If the petition does not meet the requirements of these Rules of Procedure, the Commission may request that the petitioner or his or her representative complete them in accordance with Article 26.2 of these Rules.
4. If the petition sets forth distinct facts, or if it refers to more than one person or to alleged violations not interconnected in time and place, the Commission may divide it and process the files separately, so long as all the requirements of Article 28 of these Rules of Procedure are met.
5. If two or more petitions address similar facts, involve the same persons, or reveal the same pattern of conduct, the Commission may join them and process them together in the same file.
6. In the situations provided for in subparagraphs 4 and 5, the Commission shall give written notification to petitioners.
7. In serious or urgent cases, the Executive Secretariat shall immediately notify the Commission.

### **Article 30. Admissibility Procedure**

1. The Commission, through its Executive Secretariat, shall process the petitions that meet the requirements set forth in Article 28 of these Rules of Procedure.
2. For this purpose, it shall forward the relevant parts of the petition to the State in question. The request for information made to the State shall not constitute a prejudgment with regard to any decision the Commission may adopt on the admissibility of the petition.
3. The State shall submit its response within three months from the date the request is transmitted. The Executive Secretariat shall evaluate requests for extensions of this period that are duly founded. However, it shall not grant extensions that exceed four months from the date of transmission of the first request for information sent to the State.

4. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, the Commission shall request the promptest reply from the State, using for this purpose the means it considers most expeditious.

5. Prior to deciding upon the admissibility of the petition, the Commission may invite the parties to submit additional observations, either in writing or in a hearing, as provided for in Chapter VI of these Rules of Procedure.

6. The considerations on or challenges to the admissibility of the petition shall be submitted as from the time that the relevant parts of the petition are forwarded to the State and prior to the Commission's decision on admissibility.

7. In the cases referred to in paragraph 4, the Commission may request that the State presents its response and observations on the admissibility and the merits of the matter. The response and observations of the State shall be submitted within a reasonable period, to be determined by the Commission in accordance with the circumstances of each case.

#### **Article 36. Decision on Admissibility**

1. Once it has considered the positions of the parties, the Commission shall make a decision on the admissibility of the matter. The reports on admissibility and inadmissibility shall be public and the Commission shall include them in its Annual Report to the General Assembly of the OAS.

2. When an admissibility report is adopted, the petition shall be registered as a case and the proceedings on the merits shall be initiated. The adoption of an admissibility report does not constitute a prejudgment as to the merits of the matter.

3. In exceptional circumstances, and after having requested information from the parties in accordance with the provisions of Article 30 of these Rules of Procedure, the Commission may open a case but defer its treatment of admissibility until the debate and decision on the merits. The decision shall be adopted by a reasoned resolution of the Commission, which will include an analysis of those exceptional circumstances. The exceptional circumstances that the Commission shall take into account will include the following:

- a. when the consideration of the applicability of a possible exception to the requirement of exhaustion of domestic remedies would be inextricably tied to the merits of the matter;
- b. in cases of seriousness and urgency, or when the Commission considers that the life or personal integrity of a person may be in imminent danger; or
- c. when the passage of time may prevent the useful effect of the decision by the Commission.

4. When the Commission proceeds in accordance with Article 30.7 of these Rules of Procedure, it shall open a case and inform the parties in writing that it has deferred its treatment of admissibility until the debate and decision on the merits.

#### **Article 37. Procedure on the Merits**

1. Upon opening the case, the Commission shall set a period of four months for the petitioners to submit additional observations on the merits. The pertinent parts of those



observations shall be transmitted to the State in question so that it may submit its observations within four months.

2. The Executive Secretariat shall evaluate requests for an extension of the time periods established in the preceding subparagraph that are duly founded. However, it shall not grant extensions that exceed six months from the date the initial request for observations was sent to each party.

3. In serious and urgent cases, or when it is believed that the life or personal integrity of a person is in real and imminent danger, and once the case has been opened, the Commission shall request that the parties forward their additional observations on the merits within a reasonable time period, established by the Commission taking into account the circumstances of each case.

4. Prior to making its decision on the merits of the case, the Commission shall set a time period for the parties to express whether they have an interest in initiating the friendly settlement procedure provided for in Article 40 of these Rules of Procedure. In the cases provided for in Article 30. 7 and in the preceding subparagraph, the Commission shall request the parties to respond in a more expeditious manner. The Commission may also invite the parties to submit additional observations in writing.

5. If it deems it necessary in order to advance in its consideration of the case, the Commission may convene the parties for a hearing, as provided for in Chapter VI of these Rules of Procedure.

#### **Article 42. Archiving of Petitions and Cases**

1. At any time during the proceedings, the Commission may decide to archive the file when it verifies that the grounds for the petition or case do not exist or subsist. The Commission may also decide to archive the case when:

- a. the information necessary for the adoption of a decision is unavailable, despite attempts to secure such information; or
- b. the unjustified procedural inactivity of the petitioner constitutes a serious indication of lack of interest in the processing of petition.

2. Before considering the archiving of a petition or case, it shall request that the petitioners submit the necessary information and notify the possibility of a decision to archive. Once the time limit specified for that purpose has expired, the Commission shall proceed to adopt the corresponding decision.

3. The decision to archive shall be final, except in the following cases:

- a. material error;
- b. supervening facts;
- c. new information that would have affected the decision of the Commission; or
- d. fraud.

**Article 44. Report on the Merits**

After the deliberation and vote on the merits of the case, the Commission shall proceed as follows:

1. If it establishes that there was no violation in a given case, it shall so state in its report on the merits. The report shall be transmitted to the parties, and shall be published and included in the Commission's Annual Report to the OAS General Assembly.
2. If it establishes one or more violations, it shall prepare a preliminary report with the proposals and recommendations it deems pertinent and shall transmit it to the State in question. In so doing, it shall set a deadline by which the State in question must report on the measures adopted to comply with the recommendations. The State shall not be authorized to publish the report until the Commission adopts a decision in this respect.
3. It shall notify the petitioner of the adoption of the report and its transmittal to the State. In the case of States Parties to the American Convention that have accepted the contentious jurisdiction of the Inter-American Court, upon notifying the petitioner, the Commission shall give him or her one month to present his or her position as to whether the case should be submitted to the Court. When the petitioner is interested in the submission of the case, he or she should present the following:
  - a. the position of the victim or the victim's family members, if different from that of the petitioner;
  - b. the reasons he or she considers that the case should be referred to the Court; and
  - c. the claims concerning reparations and costs.

**Article 46. Suspension of Time Limit to Refer the Case to the Court**

1. The Commission may consider, at the request of the State concerned, the suspension of the time limit established in Article 51.1 of the American Convention for the referral of the case to the Court, pursuant to the following conditions:
  - a. that the State shows its willingness and ability to implement the recommendations included in the merits report through the adoption of concrete and adequate measures of compliance. To this end, the Commission may take into account the existence of domestic legislation that establishes a mechanism for compliance with its recommendations; and
  - b. that in its request the State expressly and irrevocably accepts the suspension of the time limit established in Article 51.1 of the American Convention for the submission of the case to the Court and consequently expressly waives the right to file preliminary objections regarding compliance with the aforementioned time limit in the event that the matter is later referred to the Court.

2. In establishing the period for the suspension of the time limit, the Commission may take into account the following factors:
  - a. The complexity of the matter and of the measures necessary to comply with the recommendations of the Commission, in particular, when it implies the involvement of different branches of the government or coordination between the central and regional governments, among others;
  - b. The measures toward compliance with the recommendations, which were adopted by the State prior to the extension request; and
  - c. The position of the petitioner.

#### **Article 59. Annual Report**

1. The Annual Report presented by the Commission to the General Assembly of the Organization shall be comprised of two volumes.
2. The first volume shall include the following:
  - a. An Introduction with the progress made in attaining the objectives set forth in the American Declaration, the American Convention and all other Inter-American human rights instruments, and the status of their ratification, an account of the origin, legal bases, structure and purposes of the Commission; the mandates conferred upon the Commission by inter-American human rights instruments, the General Assembly of the Organization and the other competent organs.
  - b. In Chapter I,
    - i. a list of the periods of sessions held during the time period covered by the report and of other activities carried out by the Commission to achieve its purposes, objectives and mandates; and
    - ii. a summary of the activities carried out by the Commission with the Court, other organs of the OAS and regional or universal organs of the same type, and the results achieved.
  - c. In Chapter II, a presentation of the status of the petition and case system, with the following information:
    - i. petitions under initial study;
    - ii. petitions declared admissible and inadmissible and the respective reports;
    - iii. merits reports issued;
    - iv. friendly settlements approved during the period;
    - v. archive reports adopted;
    - vi. precautionary measures granted; and
    - vii. status of compliance with recommendations in individual cases.

- d. In Chapter III, an account of the activities of its Rapporteurships, Special Rapporteurships and Thematic Units, including reference to each report they produced, as well as other promotional activities.
  - e. In Chapter IV,
    - i. section A) will include an annual overview of the human rights situation in the hemisphere, derived from its monitoring work, which shall identify the main tendencies, problems, challenges, progress and best practices of civil and political rights, and social, economic and cultural rights;
    - ii. section B) will include the special reports that the Commission considers necessary regarding the situation of human rights in Member States, pursuant to the criteria, methodology and procedure provided for in the following subparagraphs.
  - f. In Chapter V, follow-up reports, highlighting the progress reached and the difficulties for the effective observance of human rights.
  - g. In Chapter VI, an account of institutional development activities, which shall include information on financial resources and the execution of the Commission's budget.
3. In a second volume of the Annual Report, the Commission shall incorporate country, thematic or regional reports adopted or published during the year, including those prepared by Rapporteurships, Special Rapporteurships and Thematic Units.
4. The Commission will apply the rules established in subsections 5 to 9 of this Article in the preparation of Chapters IV and V of its Annual Report, in the exercise of its mandate to promote and protect human rights and, in particular, its duty to inform the OAS Member States about human rights situations that may require a response from the political organs and priority attention from the Commission.
5. The Commission will utilize reliable and credible information from:
- a. official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, policy statements, official communications to the Commission and to other human rights organs, as well as any other statement or action attributable to the Government;
  - b. information available in cases, petitions and precautionary and provisional measures in the inter-American system, as well as information on compliance by the State with recommendations of the Commission and judgments of the Inter-American Court;
  - c. information gathered in the course of on-site visits by the Commission, its Rapporteurs and members of its staff;
  - d. information obtained during hearings held by the Commission as part of its sessions;
  - e. conclusions of other international human rights bodies, including UN treaty bodies, UN Rapporteurs and working groups, the Human Rights Council, and other UN specialized agencies;
  - f. human rights reports issued by governments and regional organs;

- g. reports by civil society organizations, as well as information presented by such organizations and private persons; and
  - h. public information that is widely disseminated in the media.
6. The criteria for including a Member State in Chapter IV.B of the Annual Report are the following:
- a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:
    - i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;
    - ii. there has been an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order; or
    - iii. the democratically-constituted government has been overthrown by force or the existing government has otherwise come to power through means other than free and fair election, based on universal and secret ballot, pursuant to internationally accepted norms and principles reflected in the Inter-American Democratic Charter.
  - b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.
  - c. There State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.
  - d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:
    - i. serious institutional crises that infringe the enjoyment of human rights;
    - ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;
    - iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court; and
    - iv. systematic violations of human rights attributable to the State in the framework of an internal armed conflict.
7. The decision on the specific countries to include in Chapter IV.B shall be adopted by the Commission each year, in accordance with the special quorum set forth in Article 18 of the

present Rules of Procedure. The inclusion of a State in that chapter in a particular year does not create a presumption that it will be included in it the next year. When the Commission receives information from the concerned state that leads to the conclusion that the conditions that gave rise to its inclusion have been overcome, it will not include the country in that chapter unless new reasons demand it.

8. When a State included in Chapter IV.B of the Annual Report has been the subject of an on-site visit, it will not be included in that Chapter of the Annual Report for the year corresponding to the visit. The monitoring of the situation of human rights for that year in that State will be carried out by means of the country report prepared in relation to the on site visit. Once the country report has been published, the Commission will follow up on compliance with the respective recommendations by means of Chapter V of its Annual Report. Thereafter, the Commission shall decide, in accordance with the present Rules of Procedure, if the monitoring of the situation of human rights in the respective country should be included in any of the aforementioned chapters of the Annual Report.

9. By means of Chapter V of its Annual Report, the Commission shall follow-up on measures adopted to comply with the recommendations issued in its country reports, thematic reports, or in reports previously published in Chapter IV.B.

10. Prior to publication of Chapters IV.B and V of the Annual Report, the Commission will transmit a preliminary copy of the Report to the State concerned. That State may send a reply within a maximum timeframe of a month from the transmission of the Report. This reply will be made available through a link on the Commission's website, unless the State requests otherwise.

11. The Commission shall include in its Annual Report any other information, observation or recommendation that it considers pertinent to present to the General Assembly.

#### **Article 72. Experts**

1. The Commission may request the Court to summon expert witnesses.
2. The presentation of such experts shall be done in accordance with the Rules of Procedure of the Court.

#### **Article 76. Provisional measures**

1. The Commission may request that the Court adopt provisional measures in cases of extreme seriousness and urgency, when it becomes necessary to avoid irreparable damage to persons. In taking its decision, the Commission shall take into account the position of the beneficiaries and their representatives.
2. The Commission shall consider the following criteria to present a request for provisional measures:
  - a. when the State concerned has not implemented the precautionary measures granted by the Commission;
  - b. when the precautionary measures have not been effective;
  - c. when there is a precautionary measure connected to a case submitted to the jurisdiction of the Court; or

- d. when the Commission considers it pertinent for the efficacy of the requested measures, to which end it shall provide its reasons.

### **Article 79. Amendment of the Rules of Procedure**

The Rules of Procedure may be amended, after a public consultation, by an absolute majority of the members of the Commission.

2. To adopt the following measures of institutional policy, which will depend on the availability of the respective financial resources in a sustainable and foreseeable manner:

#### **I. PRIORITIES**

A. Include in the Strategic Plan the promotion of universal ratification of the American Convention on Human Rights and other inter-American human rights instruments and optional clauses as an institutional priority: develop the respective Action Plan; including:

1. The preparation of the study on universality;
2. The execution of promotion activities during visits; and
3. Holding a session with the Permanent Council on this topic.

B. Include in the Strategic Plan the promotion of economic, social and cultural rights an institutional priority: develop a section for the introductory chapter, including all actions carried out by the Commission in order to follow-up on these rights.

C. Include in the Strategic Plan the permanent presidency as an institutional priority: develop the respective plan of action.

#### **II. INFORMATIONAL MATERIALS**

Include in the Strategic Plan a policy of widely disseminating the criteria and parameters that the Commission considers when examining a request for precautionary measures, as well as publishing related practical guides.

#### **III. MANAGEMENT MEASURES**

To immediately adopt the following priority measures in the Action Plans:

- A. The implementation of a portal for users as an institutional priority; and
- B. A new search engine in the web page, as an institutional priority.

3. To adopt the following measures of institutional practice, which will depend on the availability of the respective financial resources in a sustainable and foreseeable manner:

#### **I. ANNUAL REPORT**

A. Align the Annual Report with the Results Measurement System, that is, to include all the indicators in the statistics and elements of follow-up;

B. Include the following information in the Annual Report:

1. The number of working groups within the Commission's Executive Secretariat, their functions and staffing; and
2. Information concerning management of resources received.

## **II. WEB PAGE**

Subject to request for confidentiality, publish the resolutions granting precautionary measures on the web page, as from the entry into force of the new Rules.

## **III. ACTIVITIES TO SCHEDULE IN THE STRATEGIC PLAN AND IN THE ANNUAL PLAN OF OPERATIONS**

- A. Activities to promote universal ratification of the American Convention and other inter-American human rights treaties;
- B. Activities to encourage ratification of the Protocol of San Salvador;
- C. The programming of public hearings on universal ratification during the 148 and 149 Sessions;
- D. An electronic campaign to disseminate the inter-American treaties, possibly in partnership with other areas of the OAS;
- E. Issuance of a pocket edition of the American Declaration, the American Convention and other inter-American human rights treaties. Subject to the availability of additional funds, the Commission may issue these materials in other formats to promote the accessibility to other populations, such as the illiterate, the blind or speakers of other languages;
- F. A program of reprinting of thematic reports, and of translations to languages other than Spanish and English, and in other formats to promote the accessibility to other populations, such as the illiterate, the blind or speakers of other languages;
- G. Continued participation in the working group on Economic, Social and Cultural rights;
- H. Holding of an annual conference on the Commission's Strategic Plan with the Member States and civil society;
- I. Request presentation of the Annual Report to the Permanent Council and an extended time period for presenting its report to the General Assembly;
- J. Schedule a meeting with civil society at each period of sessions; and
- K. Schedule a cycle of workshops on friendly settlement for members of the Commission and the staff of its Executive Secretariat, to take place in the first half of 2013.

## **IV. REPORTS, DIGESTS AND STUDIES**

- A. Issue a guidebook concerning exhaustion of remedies under domestic law.
- B. Issue a report on the impact of friendly settlements and publish on the Commission's web page.
- C. Issue a Manual or Instructive to document and give make transparent the relevant norms and practices followed to establish the procedures and duties of Rapporteurs.



**V. MEETINGS**

Arrange a schedule of meetings with the Member States (at least one each year for every Member State) with, at a minimum, the following purposes:

- A. provide information to all officials designated by the State, concerning the procedures and mechanisms by which the Commission operates;
- B. review the entire portfolio of petitions and cases;
- C. review the entire portfolio of precautionary measures, and
- D. explore cases for possible friendly settlements.

**VI. FRIENDLY SETTLEMENTS**

- A. To place itself at the disposal of the parties with a view to reaching a friendly settlement as soon as a petition's processing is initiated (already implemented as of May 2012);
- B. adopt the practice, where pertinent, that working visits by Commissioners include meetings with representatives of States and petitioners in those cases where the parties have expressed an interest in starting a friendly settlement procedure. In such meetings, Commissioners could mediate and promote friendly settlement procedures;
- C. the Commission shall develop a proactive program for the establishment of mediation teams under its supervision, which could include any experts whose work could be useful to facilitate the friendly settlement process;
- D. promote the adoption of laws that facilitate compliance with friendly settlement agreements in Member States.

**VII. PRECAUTIONARY MEASURES**

- A. Adopt the practice of having the working visits made by country Rapporteurs include visits with State representatives and beneficiaries. At these meetings, the country Rapporteur could promote implementation-related issues and evaluate situations that raise questions about whether the precautionary measures are being maintained; and
- B. adopt the practice, in particularly complex matters, of requesting a work plan or timetable for implementing measures in the short-, medium- and long-term.

4. The Reform adopted by the Inter-American Commission on Human Rights through this Resolution will take effect on August 1, 2013.

Done and signed in the city of Washington, D.C., on the 18<sup>th</sup> day of the month of March, 2013. José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President, Felipe González; Dinah Shelton; Rodrigo Escobar Gil, and Rose-Marie Belle Antoine, Commissioners. (signed in the original).