REPORT OF THE SPECIAL WORKING GROUP TO REFLECT ON THE WORKINGS OF
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WITH A VIEW TO
STRENGTHENING THE INTER-AMERICAN HUMAN RIGHTS SYSTEM
FOR CONSIDERATION BY THE PERMANENT COUNCIL

(Approved by the Working Group at its meeting held on December 13, 2011)
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I. Creation and mandate of the Special Working Group.

In March 2011, the IACHR presented a proposed amendment to Article 11 of its Rules of Procedure, with the aim of providing a detailed description of the process of selection and appointment of its Executive Secretary.

In order to reflect on this and other matters to do with the workings of the IACHR, at its regular meeting of June 29, 2011, the Permanent Council decided to create the Working Group based on the following “Statement made by Hugo Martínez, Minister of Foreign Affairs of El Salvador and President of the forty-first regular session of the General Assembly, at its fourth plenary session, following the presentation by Dr. José De Jesús Orozco, First Vice President of the Inter-American Commission on Human Rights”:

“The President suggests ….. that it instruct the Permanent Council to deepen the process of reflection on the workings of the Inter-American Commission on Human Rights (IACHR) in the framework of the American Convention on Human Rights and the Statute of the IACHR, with the aim of strengthening the inter-American human rights system, and to present its recommendations to the member states as soon as possible.” (AG/INF.478/11).

To do this, the Permanent Council directed the Working Group to submit its final recommendations at the Council’s first regular meeting in December 2011.

At its meeting on December 9, 2011, the Permanent Council decided to postpone presentation of the Special Working Group’s final report until the regular meeting on December 14, 2011.

II. Officers

At the regular meeting of the OAS Permanent Council of July 13, 2011, Ambassador Hugo De Zela, Permanent Representative of Peru to the OAS, was elected chair of the Working Group.

At its first meeting, on July 14, 2011, the Working Group elected Ambassador Hubert Charles, Permanent Representative of Dominica to the OAS, as its vice chair.

After Ambassador Hugo De Zela resigned as Chair of the Working Group, at the regular meeting on October 26, 2011, the Permanent Council elected Ambassador Joel Hernández, Permanent Representative of Mexico to the OAS, to replace him. He took up the position immediately, thereby fulfilling the mandate to oversee the continuation and completion of the
activities of the Working Group through to the presentation of its recommendations in December 2011.

III. Agenda and Schedule

In the course of the 23 meetings that were held, the Working Group focused its attention on the following topics on the below-indicated dates:

i. **Appointment of the Executive Secretary of the IACHR:** This topic was considered at the meetings of July 14, 18, 19, and 26; August 30; and September 6.
   - Recommendations from civil society organizations received by the Secretariat on this topic for the Working Group’s considerations were distributed as documents: GT/SIDH/INF.2/11, GT/SIDH/INF.2/11 add. 1, GT/SIDH/INF.3/11.
   - After the Working Group completed its discussion of this topic, the President of the IACHR submitted to the Working Group’s Chair the text of a new Article 11 of the Rules of Procedure of the Inter-American Commission on Human Rights that it had adopted on September 2, 2011 (GT/SIDH 9/11). The Department of International Law issued a legal opinion on the matter, contained in document GT/SIDH 10/11.

ii. **Challenges and medium- and long-term objectives of the IACHR:** This topic was considered at the meeting of September 12, 2011.

iii. **Precautionary measures:** This topic was considered at the meetings of September 12 and November 29 (when a presentation was made by the IACHR Executive Secretariat GT/SIDH/INF.43/11).

iv. **Procedural matters in processing cases and individual petitions:** This topic was considered at the meeting on September 20, 2011.

v. **Friendly settlements:** This topic was considered at the meeting on September 27 (the IACHR Executive Secretariat made a presentation GT/SIDH/INF.41/11).

vi. **Criteria for constructing Chapter IV of the annual report of the IACHR – Development of Human Rights in the Region:** This topic was considered at the meetings of October 5 and November 29 (when a presentation was made by the IACHR Executive Secretariat GT/SIDH/INF.42/11).

vii. **Promotion of human rights:** This topic was considered at the meeting of October 5, 2011.

viii. **Financially strengthening the inter-American human rights system:** This topic was considered at the meetings of October 13 and November 22, 2011.

In addition, the Chair of the Special Working Group, in coordination with the Chair of the CAJP, arranged for this topic to be discussed at the regular meeting of the Permanent Council of October 19, 2011, at which presentations were offered by the President and the Executive Secretariat of the IACHR on the Strategic Plan of the Inter-American Commission on Human Rights 2011-2015; by the Executive Secretary of the Inter-American Court of Human Rights on the Guidelines of the Inter-American Court of Human Rights 2010-2015; and by the Secretary for Administration and Finance (proposed measures for increasing the financial resources allocated to the Inter-American Court of Human Rights and the IACHR in the program-budget of the Organization).

At that time, the Permanent Council made the following decisions:

1. To take note of the presentations,
2. That it is extremely urgent to reach a decision on this matter,
3. With respect to short term funds, that the CAAP note the support pledged by the member states to make a 5% increase in the budget to fund the IACHR and the Court in the OAS program-budget proposed for 2012,
4. With respect to medium and long term funds, to direct the Working Group to prepare a proposal for financing the inter-American human rights system and submit it to the Permanent Council in December 2011.

IV. Stakeholders that took part in the Working Group’s activities

i. Member states

The group opened its meetings to delegations from all the OAS member states and had a high turnout at all its meetings.

ii. Secretary General of the OAS

The Secretary General of the Organization, José Miguel Insulza, took an active part in many of the Working Group’s meetings and offered verbal recommendations.

iii. Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights had the opportunity to attend all meetings of the Working Group.

2. See document CP/INF.6321/11
3. See document CP/INF.6321/11 add. 1
4. See document CP/INF.6321/11 add. 1
5. Dinah Shelton, President; José de Jesús Orozco Henríquez, First Vice President; Rodrigo Escobar Gil, Second Vice President; María Silvia Guillén, Luz Patricia Mejía Guerrero, Felipe González, and Paulo Sérgio Pinheiro.
The commissioners were invited for a dialogue with the Working Group at the meetings held on July 19, August 30, and November 1, 2011.

The Executive Secretariat of the IACHR attended and/or made presentations at the meetings of September 27 and November 29, 2011, and interacted with the Working Group on several occasions.

iv. Permanent Observers to the OAS

The Permanent Observers of Spain and France attended all the Working Group’s meetings and spoke at some of them.

v. Civil society organizations

The Working Group, with support from the Department of International Affairs, arranged for the active participation of civil society organizations in the Working Group’s deliberations through open invitations, sent on August 12 and 25, September 23, and October 5, to make recommendations by October 31, 2011, and to participate in the “Meeting of the Working Group with Civil Society Organizations” held on October 28, 2011.6

The “Recommendations of Civil Society Organizations” received by the Secretariat or presented at that meeting of the Working Group were compiled in document GT/SIDH 11/11 rev. 1.

V. Technical support for the Working Group

i. The Department of International Law supported the work of the Working Group, providing legal opinions upon request.

ii. The Secretariat of the Permanent Council served as secretariat for the Working Group.

VI. Presentation and negotiation of member states’ proposals

i. Presentations by member states

In the course of the Working Group’s activities member states made several presentations. In view of their nature, the Chair asked the delegations to submit them to the Secretariat for distribution as official documents of the Working Group. [Argentina (GT/SIDH/INF.6/11, GT/SIDH/INF.8/11 and GT/SIDH/INF.11/11), Brazil (GT/SIDH/INF.5/11 and GT/SIDH/INF.30/11), Colombia (GT/SIDH/INF.12/11, GT/SIDH/INF.13/11, and GT/SIDH/INF.40/11), Costa Rica (GT/SIDH/INF.29/11), Dominican Republic (GT/SIDH/INF.14/11), Ecuador (GT/SIDH/INF.27/11), Mexico

6. Agenda: 28 October 2011
These presentations were subsequently published in the document entitled:

“Compilation of presentations by member states on the topics of the working group Texts sent to the Secretariat of the working group by Argentina, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, United States, and Uruguay as of November 4, 2011 (Phase for diagnosis of the topics: September 12 to October 11, 2011 and the meeting with the IACHR on November 1, 2011)” GT/SIDH/INF.17/11 rev. 1

ii. Proposals by the member states

For the same purposes as described above, delegations submitted written proposals to the Secretariat by the deadline of December 5, 2011. The proposals were distributed as official documents of the Working Group: Bolivia (GT/SIDH/INF.39/11), Brazil (GT/SIDH/INF.48/11), Canada (GT/SIDH/INF.37/11), Chile (GT/SIDH/INF.33/11), Colombia (GT/SIDH/INF.34/11 and GT/SIDH/INF.40/11), Ecuador (GT/SIDH/INF.46/11), Mexico (GT/SIDH/INF.49/11), Paraguay (GT/SIDH/INF.47/11), Peru (GT/SIDH/INF.45/11), and the Bolivarian Republic of Venezuela (GT/SIDH/INF.44/11).

VII. Consideration of the topic “Amendment of Article 11 of the Rules of Procedure of the IACHR by the Working Group”

Once the Working Group was installed, it considered the amendment of Article 11 as the first item on its agenda and held meetings to that effect on July 14, 18, 19, and 26, and on August 30.

In the course of its deliberations, the Working Group considered the proposed amendment to Article 11 of the Rules of Procedure of the IACHR put forward on March 31, 2011. A dialogue was held with the IACHR in order to hear a more detailed explanation of the background and rationale for the proposal, as well as to allay concerns among the delegations regarding the interpretation that it entailed of the distribution of competencies in the selection and appointment of the Executive Secretary in the light of the applicable legal instruments.

The Group considered the opinion of the Secretary General on those proposals. The Group circulated an unofficial document presented by the then-Chair of the Working Group, on Article 11 of the Rules of Procedure of the IACHR and on the General Standards to Govern the Operations of the General Secretariat.

Following a series of informal consultations, at the meeting of the Working Group on August 30, the member states and the IACHR referred to the need to conclude discussions on its amendments; acknowledged the usefulness of dialogue and constant communication between the various interested parties; agreed on clarifying all aspects to do with both the Executive Secretariat and Assistant Executive Secretariat of the IACHR. It was agreed to hold a meeting of the Working Group on September 6 to review this item once again, on the understanding that the IACHR is competent to define its own Rules of Procedure and the member states are competent to monitor that
exercise so as to ensure that it respects instruments in force (especially the American Convention on Human Rights and the IACHR Statute).

At the meeting of the working group on September 6, the Chair informed the delegations about the approval of an amendment to Article 11 of the Rules of Procedure by the IACHR, on September 2, 2011, the text of which was forwarded to all permanent representatives of the OAS member states (and later circulated as Working Group documentGT/SIDH-9/11). The Chair of the Working Group invited the delegations to analyze how compatible the IACHR decision was with the American Convention and the Statute of the Commission, taking into account the fact that it is the prerogative of that body to change its Rules of Procedure. The Chair also invited the Department of International Law, to give its legal opinion on the amendment to the Rules of Procedure adopted by the IACHR. (GT/SIDH-10/11). The Secretary General said that his concern was that the amendment did not infringe the powers of the General Secretariat.

Some delegations expressed support for the process by which the Working Group had an opportunity to hold a dialogue with the IACHR in the process of drafting the amendment, and urged the Group to continue with other pending work. Other delegations registered their dissatisfaction with how this process of exchanges with the IACHR on the issue in question ended, as they had expected to have an opportunity to see the final IACHR proposal so as to be able to comment thereon, before that body issued and distributed the official text.

The new text of Article 11 of the Rules of Procedure of the IACHR is as follows:

**ARTICLE 11**

1. *The Executive Secretariat shall be composed of an Executive Secretary, and at least one Assistant Executive Secretary, as well as the professional, technical and administrative staff needed to carry out its activities.*

2. *The Executive Secretary shall be a person of independence and high moral standing, with experience and recognized expertise in the field of human rights.*

3. *The Executive Secretary is appointed by the Secretary-General of the Organization. The Commission shall undertake the following internal procedure to identify the best qualified candidate and forward his or her name to the Secretary General, proposing appointment for a four-year term that can be renewed once:*

   a. *The Commission shall open a public competition to fill the vacancy, publicizing the criteria and qualifications for the office and description of the functions and duties to be fulfilled.*

   b. *The Commission shall review the applications submitted and identify three to five finalists who shall then be interviewed for the post.*

   c. *The curriculum vitae of each finalist shall be made public, including on the Commission’s website, during one month prior to the final selection, in order to receive observations on the candidates.*

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* Paragraph 1 repeats the current text of Article 11 (1).
The Commission shall determine the best qualified candidate, taking into account the observations, by an absolute majority of its members.

Prior to and during their period of appointment, the Executive Secretary and Assistant Executive Secretary shall disclose to the Commission any interest which may be considered to be in conflict with the exercise of his or her functions.

After taking note of the amendment to the Rules of Procedure made by the IACHR, the Working Group concluded its consideration of the topic.

VIII. Recommendations of the Working Group for consideration by the Permanent Council of the Organization

At the end of its deliberations, the Working Group submits for the Permanent Council’s consideration the following recommendations on the workings of the IACHR with a view to strengthening the IAHRS:

i. Introduction

1. The Working Group’s discussions revealed the importance assigned by the member states to the inter-American human rights system (IAHRS) in terms of its role in the promotion and protection of internationally recognized human rights as a basic element for consolidation and strengthening of democracy in the Hemisphere.

2. The Working Group recognized that the promotion and protection of human rights in the Hemisphere is primarily the responsibility of the member states, emphasizing the complementary or supplementary role of the IAHRS, as applicable, in conjunction with the national efforts. The Working Group held that linkage and cooperation among all stakeholders of the IAHRS is essential to move toward a true culture of respect of basic rights in the region.

3. The delegations recognized that the autonomy and independence of the Inter-American Commission on Human Rights (IACHR)—within the framework of the applicable legal instruments, based on a comprehensive interpretation of those instruments, as well as of the practice of the states—are essential elements for maintaining its credibility, legitimacy, and efficacy.

4. The Working Group engaged in a reflection process, first, to review various aspects of the workings of the IACHR and, second, to make specific recommendations for strengthening the IAHRS.

5. In the course of this exercise there was frequent dialogue with the commissioners of the IACHR and with the Executive Secretariat for better understanding and clarification of questions on the workings of the organ
that were submitted for reflection. The information received made it possible to prepare evaluations on these aspects and offer recommendations for strengthening the IACHR.

6. By the same token, a dialogue was held with the civil society organizations that in order to obtain their contributions on the workings of the IACHR. These were received in writing and considered within the Working Group.

7. Based on the input received and the discussions held, the Working Group has identified recommendations in connection with each of the aspects, addressed to both the IACHR and the member states of the Organization, and it trusts that their consideration will contribute to workings of the organ with a view to strengthening the IAHRS.

Accordingly, the Commission presents the following conclusions and recommendations based on its deliberations.

ii. Evaluation and recommendations.

1. Challenges and medium- and long-term objectives of the IACHR

   The Working Group had the opportunity to exchange viewpoints on the main medium- and long-term challenges facing the IAHRS as a whole, as well as the objectives that the IACHR should set itself.

   The Group recognized the value and usefulness of the Strategic Plan of the IACHR 2011-2015 and the Guidelines of the Inter-American Human Rights Court 2011-2015, which reflect the views of these organs on their challenges and priorities, as well as contributing to reflection by member states on the search for solutions to overcome the challenges and address the priorities.

   In general terms, the main challenges identified by the Working Group included the following: achieve universality of the IAHRS; ensure full compliance with the recommendations and decisions of the organs of the system; achieve a better balance between promotion and protection of all human rights; improve procedural aspects and ensure strict observance of the regulatory frameworks in the individual petitions system; increase efficiency and expediency in the processing of petitions and cases, and move toward greater transparency in the management of the IACHR.

   Moreover, the Working Group noted that adequate funding for the organs of the IAHRS is a cross-cutting challenge that affects all others.

   The Group also concluded that it is the joint responsibility of the member states, the organs of the IAHRS, civil society organizations, and social actors in general to continue to look for solutions to overcome these challenges with a view to improving the IAHRS with the support of the General Secretariat.
The Working Group offers the following recommendations on a number of these challenges:

A. **That the Inter-American Commission on Human Rights:**


   b) Actively incorporate as a priority in its strategies and work on human rights promotion, the signing of, ratification of, and accession to the American Convention on Human Rights and all other inter-American human rights instruments in those countries that have not yet done so.

   c) Strike a better balance between the functions of promotion and protection of all human rights.

   d) Continue to improve international human rights standards, in particular by deepening standards on enforceability and compliance of the states’ obligations in the area of economic, social, and cultural rights.

   e) Strengthen its mechanisms for consultation with all users of the system.

   f) Continue to periodically divulge the criteria used to define its programmatic priorities and measure their results.

   g) Continue to disseminate annual statistics on petitions and requests for precautionary measures received; the total number of cases processed; the number of working groups in the IACHR Executive Secretariat, as well as their functions and staff, among other aspects.

   h) In the near-term, draw up, in collaboration with the OAS General Secretariat, a proposal regarding the permanent functioning of the office of its president at headquarters.

   i) Incorporate all rapporteur’s reports under a single chapter of its annual report.

B. **That member states:**

   a) If not yet parties, consider signing, ratifying, or acceding to the American Convention on Human Rights and all other inter-American human rights instruments, as well as accepting the contentious jurisdiction of the Inter-American Court of Human Rights.

   b) Design and implement strategies aimed at achieving the universality of the IAHRS, working with the organs of the IAHRS and the relevant political bodies of the OAS, with support provided by the General Secretariat.

   c) Prepare, through appropriate OAS procedures and bodies, and in consultation with the bodies of the IAHRS, a guide or reference document on successful experiences and best practices in the area of institutional mechanisms or domestic laws to assist in implementing the recommendations of the IACHR and the decisions of the Inter-American Court of Human Rights.
d) Exchange best practices in implementation of recommendations and decisions of the IAHRS organs.

e) Encourage cooperation agreements between domestic institutions and authorities with responsibility for human rights and organs of the system in order to further common objectives and furnish mutual assistance.

2. Precautionary measures

Bearing in mind the discussions on the system of precautionary measures and the evolution of the rules thereon, as well as the different positions expressed, the Working Group concurs that the system of precautionary measures of the IACHR has been and continues to be of practical value and usefulness.

The Working Group considers that in order to give greater clarity to the system of precautionary measures, procedural aspects of this system could be refined and strict observance of the regulatory framework of the IACHR be ensured; clearer rules could also be introduced on the system’s workings and operation, without impairing its ultimate purpose of requesting prompt protection for persons in circumstances that warrant it.

The Working Group recommends:

A. That the Inter-American Commission on Human Rights:

a) Define and disseminate more precise objective criteria for granting, reviewing, and, as applicable, extending or lifting precautionary measures.

b) Confine the assessment for granting precautionary measures to the “seriousness” and “urgency” of situations, and avoid considerations on the merits of the matter.

c) Define objective criteria or parameters for determining “serious and urgent situations” and the imminence of the harm, taking into account the different risk levels.

d) In order to reinforce the temporary nature of the measures requested, clearly establish, in consultation with the parties, a work plan for the periodic review of precautionary measures with its corresponding schedule.

e) In extremely serious and urgent cases where precautionary measures have been requested without first soliciting information from the State, review such measures as soon as possible in consultation with the State.

f) Examine the rules on decision-making in cases of requests for precautionary measures where it has not been possible to request information from the State, review such measures as soon as possible in consultation with the State.

g) State and give reasons for the legal and factual elements considered for granting, reviewing, and, as appropriate, extending or lifting precautionary measures.

o Disclose the factual elements that have been presented to it, as well as evidence provided to corroborate the veracity of the events.
o Provide a list of articles of international instruments authorizing the examination, by the IACHR, of petitions filed.

Provide a list of articles of international instruments that recognize the rights being protected against violation.

h) Improve the mechanisms for determining and individually identifying beneficiaries of precautionary measures.

i) Confirm, where appropriate, that potential beneficiaries of precautionary measures have granted authority or consent for requests to be lodged on their behalf.

j) Grant a reasonable amount of time for states to implement precautionary measures, taking into consideration, not only the seriousness and urgency, but also the nature and scope of the measures, the number of beneficiaries, and, the overall circumstances of the case.

k) Establish that the beneficiaries’ refusal to accept precautionary measures, their misuse thereof, or a change in the circumstances that prompted them shall be cause for lifting them.

l) Refrain from adopting or maintaining precautionary measures when the Inter-American Court has refused an application for provisional measures for the same situation.

B. That member states:

a) Seeks to exchange best practices in implementing and complying with precautionary measures.

b) Consider the possibility of consulting the Inter-American Court on the issue of precautionary measures, their rules, scope and practical application by the IACHR, defining the terms of said consultation through appropriate mechanisms and procedures.

3. Procedural matters in processing cases and individual petitions

The Working Group recognized the importance the system of individual petitions and cases for protection of human rights in the region, and praised the work of the IACHR in this regard.

The Group also recognized that in recent years the number of cases and petitions processed by the IACHR had progressively escalated as a result of progress in the consolidation of democracy in the Hemisphere and increased participation and awareness among users of the IAHRS. The Working Group noted that this situation has entailed a considerable workload for the IACHR, which affects the prompt and efficient processing of cases, particularly in terms of the backlog of cases, procedural delays, and repetition of the acts of parties in proceedings.

The Working Group considered that solving this problem would require the allocation of adequate resources to the IACHR, and that other measures could be explored as well, such as promoting efficiency and transparency in the management mechanisms of the IACHR.
The Working Group believed that the system of cases and individual petitions, without becoming judicial, could be improved to provide greater legal certainty and procedural equality for the parties.

The Working Group recommends:

A. **That the Inter-American Commission on Human Rights:**

   a) Rigorously apply criteria for admissibility of petitions, including thorough verification of the exhaustion of local remedies to avoid parallel proceedings in domestic instances and the IACHR.

   b) Develop and broaden the criteria or parameters for setting aside petitions and cases, including, in particular, those in which there has been a protracted period of procedural inactivity.

   c) Put into effect deadlines (at least on an indicative basis) for each procedural stage.

   d) Define objective criteria or parameters and provide cause and grounds for applying the exceptional mechanism of joining the admissibility and merits stages.

   e) Establish mechanisms for determining and individually identifying alleged victims.

   f) Ensure prompt notification of initial petitions to states, immediately after they have been registered.

   g) Provide factual updates on initial petitions that are transmitted to states a considerable time after registration or in the even of long periods of procedural inactivity.

   h) Continue to develop objective criteria for setting priorities regarding treatment of petitions and other cases, considering the nature, complexity, and impact of the alleged situations.

   i) Grant reasonable deadlines and extensions for states to relay observations on petitions, considering the time elapsed since the facts stated in the petition and the volume of the background material, and/or the complexity of the matter.

   j) Grant reasonable deadlines and extensions for states to follow up on the recommendations of the IACHR in the light of their nature and the scope of the actions requested of the State, as appropriate, subject to applicable standards.

   k) Improve mechanisms to enable states, petitioners, and victims concerned to access records of petitions and cases in electronic format in order to encourage the prompt solution of said cases.

   l) Consider the development of an electronic mechanism designed to systematize background material, reports, and decisions of the IACHR.

4. **Friendly settlements**

The Working Group stressed the value of friendly settlement procedures for the petitions submitted to the IACHR, and the priority that should be given them. These
procedures are an agile and less confrontational way to solve disputes, which enable states, petitioners, and victims to agree on mutually satisfactory settlements.

The Working Group recognized the efforts made by the IACHR to strengthen friendly settlement procedures, such as consultations begun with states and various civil society stakeholders to get their recommendations, and the progress toward establishment of a working group of friendly settlements in the Executive Secretariat. The Working Group welcomed the objectives set by the IACHR on the subject.

The Working Group considered that other proposals could be explored to give the IACHR a more active role in friendly settlement procedures, to promote and facilitate them through its conciliation and monitoring function.

The Working Group recommends:

A. *That the Inter-American Commission on Human Rights:*

a) Gradually strengthen the working group on friendly settlements.

b) Give a commissioner direct responsibility for the working group on friendly settlements to be created.

c) Broaden the availability of friendly settlements to not only during the petition’s examination, but also, as appropriate, after it is registered and even after the report on merits is issued.

d) Set deadlines in order to expedite the issuance of reports on friendly settlements after the IACHR has been notified of the agreements.

e) Prepare a practical guide or manual on friendly settlements to include, inter alia, the status of their regulation in the IAHRS, a compendium of successful experiences and best practices in their use, a list of possible reparation measures, etc. Educational institutions or professional associations might be enlisted to help draft it.

f) Provide training to IACHR staff on facilitation of friendly settlement processes.

5. **Criteria for preparing Chapter IV of the annual report of the IACHR: Development of Human Rights in the Region**

The Working Group exchanged views and reflected on Chapter IV of the Annual Report of the IACHR to the General Assembly of the Organization. The Working Group also had a dialogue with the Executive Secretariat of the IACHR to get an in-depth understanding of the history of Chapter IV and to discuss some concerns and observations expressed about the criteria and methodology used to prepare it.

Mention was made about certain statements by some Commissioners regarding shortcomings in the methodology for preparing Chapter IV.

The Working Group believed that the criteria and the methodology for preparing Chapter IV need to be revised. The Commission should also consider and verify all information sources in the same manner and recognize the progress as well as the challenges
in the states, giving them an opportunity to express their opinion regarding the sources and information used before they are included in Chapter IV.

Taking into account the discussions on the preparation of Chapter IV and the different views expressed, the Working Group also considered the possibility of exploring mechanisms so that Chapter IV could make an objective and comprehensive evaluation of the human rights situation in the Hemisphere, consistent with the IACHR authority to promote the observance of human rights.

The Working Group recalled General Assembly resolutions AG/RES. 2522 (XXXIX-O/09) of 2009, AG/RES. 2601 (XL-O/10) of 2010, and AG/RES. 2672 (XLI-O/11) of 2011, which called upon the IACHR to continue the dialogue with the member states and other users of the system on the methodology used to develop the information presented in Chapter IV of its annual report, inviting joint reflection on how to improve the efficacy of this mechanism.

The Working Group recommends:

*That the Inter-American Commission on Human Rights:*


b) Revise the criteria, methodology, and procedure for preparing Chapter IV, including the use of public and private sources.

c) Broaden the scope of Chapter IV of the Annual Report of the IACHR for it to analyze objectively and comprehensively the human rights situation in all countries of the region, regardless of whether or not they are states parties to the inter-American human rights instruments.

d) In preparing Chapter IV, consider not only civil and political rights but also economic, social, and cultural rights.

6. **Promotion of human rights**

The Working Group recognized that one of the IACHR’s principal objectives is to promote is the observance of human rights in the Hemisphere.

The Working Group considered that the human rights promotion and protection endeavors are complementary and equally indispensable, so it is desirable to maintain the best possible balance the efforts, time, and resources allocated to both aspects.

The Working Group recommends:

*A. That the Inter-American Commission on Human Rights:*

a) Continue to engage in human rights promotion activities in coordination with interested states
b) Collaborate with states in strengthening their domestic law enforcement and justice administration institutions or authorities, including in the training of their officials.

c) Contribute to the strengthening of national human rights protection institutions through cooperation agreements with them.

d) Disseminate more widely the promotion work it carries out.

e) Identify and group for each state the most recurring problems in the petitions submitted, in order to cooperate with national authorities in dealing with them, seeking comprehensive and lasting solutions.

f) Provide advisory services to the states for compliance with the IACHR’s recommendations.

g) Introduce a code of conduct to govern the management of IACHR rapporteurships in order to ensure the requisite coordination between those mechanisms and states.

B. **That the member states:**

   a) In collaboration with the IACHR, encourage greater cooperation and exchange of best practices among states, after identifying each other’s areas of strength and opportunity.

7. **Financial strengthening of the IAHRS**

   Taking into account the discussions on financially strengthening the IAHRS, as well as the various positions stated, the Working Group agreed that financial strengthening of the IAHRS is necessary and urgent in any effort to achieve its comprehensive consolidation. It emphasized that through adequate resource allocation it will also be possible to improve the workings of the organs and ensure the predictability, sustainability, and planning of its activities and priorities. The Working Group recognized that some of the above-mentioned recommendations will require adequate financing for implementation.

   The Working Group recognized that the member states have the primary responsibility for providing sufficient resources to the IAHRS organs, which must come mainly from the regular budget of the Organization of American States. It recognized the important role of voluntary contributions in financing the IAHRS and reiterated appreciation for the contributions received. However, it stressed the need to increase the amount provided from the OAS’s regular budget.

   The Working Group considered that it would be necessary to find realistic solutions for the financial strengthening of the IAHRS in a gradual manner until it could be funded in the medium term through the regular budget, taking into consideration the financial restrictions experienced by the whole Organization.

   It also agreed that financial strengthening must be accompanied by transparent and detailed management of the resources by the IAHRS organs.
The Working Group recommends:

A. **That the member states:**

   a) Gradually increase the resources allocated to the IAHRS organs from the Regular Fund of the OAS, in a manner commensurate with the needs and priorities identified by those organs and themselves.
   b) Take concrete steps toward that objective, preferably in the first half of 2012.
   c) As one way of moving toward effective financial strengthening of the IAHRS, consider a system of two parallel and complementary tracks: (i) financing of the IAHRS from the regular budget of the OAS (a medium term solution); and (ii) mixed financing for the IAHRS with resources from the regular budget and from voluntary contributions or other sources (a short term solution until the medium term solution is achieved).
   d) Create or establish a mechanism or technical group—with participation of the member states, the OAS General Secretariat, and the IAHRS organs—whose task would be to identify the financial needs and establish alternatives for achieving the financial strengthening of the IAHRS organs, as well as to explore more efficient management mechanisms, taking into consideration the Strategic Plan 2011-2015 of the IACHR and the Guidelines 2011-2015 of the Inter-American Court of Human Rights.
   e) Until the objective of providing the IAHRS with sufficient resources from the regular budget is achieved, make voluntary non-earmarked contributions. The same recommendation is made to the Permanent Observer states and other institutions that make financial contributions.

B. **That the Inter-American Commission on Human Rights:**

   a) Include clear and accessible information in its annual report on the management of resources received.
   b) Invite donors to make their voluntary contributions without specifying the purposes, while the goal of providing the IAHRS with sufficient resources from the regular budget is being fulfilled.
   c) Assign adequate, sufficient, and balanced resources to all its rapporteurships, working groups, and units, as well as an efficient and transparent management of those resources.

C. **That the Secretary General of the Organization:**

   a) Prepare and submit a proposal setting forth strategies to achieve an effective increase in financial resources allocated to the Inter-American Court of Human Rights and to the IACHR in the program-budget of the Organization.