

October 4, 2012

Executive Secretary, Emilio Álvarez Icaza
Inter-American Commission on Human Rights
Organization of the American States
1889 F. St. NW
Washington, D.C., 2006
United States of America

Dear Dr. Álvarez Icaza ,

We are law students from **Santa Clara University's International Human Rights Clinic** and we want to participate in the Inter-American Commission's 2012 reform consultation process. Under the supervision of Clinic Director, Francisco Rivera Juaristi, and Clinic Fellow, Britton Schwartz, the Clinic seeks to provide Santa Clara Law students with unique, practical and supervised real-life experiences in international human rights litigation and advocacy. The Clinic also represents victims of human rights violations collaboratively with regional and international human rights organizations.

We respectfully submit three proposals for the Commission's consideration. First, we propose that the Commission strengthen civil society's capacity to raise awareness and educate individuals on admissibility procedures in order to vet the high number of petitions the Commission receives. This may be achieved by using technological means such as Vimeo or Youtube videos as well as local radio stations. Second, we suggest that the Commission make its website more user-friendly by adding a tab entitled "Present a Precautionary Measure Request" on its home page. Finally, we recommend that the Commission strengthen its relationship with National Human Rights Institutions so that they can better promote and protect human rights in the region.

We are submitting these recommendations to Consultation Module I: *Individual Petition System*, Consultation Module II: *Precautionary Measures*, Consultation Module IV: *Promotion*, and Consultation Module V: *Other aspects relating to Strengthening*, because our recommendations are applicable to all of these modules.

We thank you in advance for your consideration of these recommendations.

Sincerely,

/s/

Gloria Lee, Katherine Krassilnikoff, and Sophia Areias
(under the supervision of Britton Schwartz and Francisco J. Rivera Juaristi)

Inter-American Commission on Human Rights

Recommendations

presented by the

INTERNATIONAL HUMAN RIGHTS CLINIC at

SANTA CLARA UNIVERSITY
SCHOOL OF LAW

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A. CONSULTATION MODULES I, IV, AND V

(Recommendations proposed by Gloria Lee and Sophia Areias)

Strengthen the Inter-American Human Rights System through Better Cooperation between Civil Society Organizations and the Inter-American Commission on Human Rights

I. INTRODUCTION

We propose that the Commission work with civil society organizations to educate and raise awareness about admissibility requirements and procedures. In doing so, civil society will help to vet admissions early in order to minimize the Commission's backlog for reviewing the admissibility of petitions. We recommend that the Commission and civil society work together to reach at-risk communities in the OAS Member States to educate them on their rights under the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man, as well as how the Commission operates and the procedural and admissibility requirements for filing complaints. We also put forth several concrete suggestions on how the Commission and civil society can use technology to promote and educate on human rights.

II. THE ROLE OF CIVIL SOCIETY IN STRENGTHENING THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

The ultimate goal of the Inter-American Human Rights System is to promote and protect the human rights of individuals throughout the OAS Member States. These goals are in tandem with those of many civil society organizations already in existence. Civil society has historically played a significant role in strengthening and developing human rights in the Inter-American System. Civil society organizations have called attention to human rights issues through petitions, hearings, and participation in country visits. In sum, civil society is an important and necessary link between the Inter-American Commission on Human Rights and victims of human rights violations in the region.

Therefore, we propose that civil society organizations work together with the Commission to promote and educate individuals and groups on what their human rights are and how they can access the Inter-American Commission. Strengthening this link will ultimately strengthen the Inter-American System of Human Rights.

III. RECOMMENDATIONS FOR THE COMMISSION

A. Utilizing Civil Society Organizations to Minimize the Commission's Backlog in Reviewing Admissibility Cases.

Civil society organizations can be trained to recognize admissible claims for the Inter-American Commission and vet them early in the process in order to decrease the Commission's backlog for reviewing the admissibility of claims. Out of all of the petitions the Commission receives annually, an estimated 90% of these do not meet the admissibility requirements necessary for processing¹. According to the Commission's 2011 Annual Report, 6,134 petitions were pending initial evaluation by the Commission at the end of 2011 and 1,645 were pending a decision on admissibility and/or merits².

By training civil society through instruction manuals, 'train the trainer programs,' and even training videos on the internet, civil society can work to vet admissible claims for the Commission.

Implementing this suggestion will not implicate any significant additional costs or expenses for the Commission. Rather, it will have a multiplying effect that will reduce the Commission's workload and improve its efficiency by focusing its limited resources on analyzing well-written petitions instead of having to review thousands of them that fail admissibility requirements because of the petitioners' lack of understanding about such requirements.

B. Promoting and Educating on Human Rights and Admissibility Procedures and Requirements via Vimeo Conferences or YouTube Videos

Education and promotion of the Inter-American Human Rights System is critical to strengthening the System. One of the most important features for the System to function effectively is its availability to all persons under the jurisdiction of OAS Member States. All such persons must have access to the System and understand its functions and processes. Together, the Commission and civil society can aid in the education and promotion of human rights and raise awareness of admissibility procedures and requirements.

We recognize that funding for the Commission is limited. We therefore propose education and promotion of human rights and admissibility procedures and requirements through video-sharing websites such as Vimeo and YouTube. By **recording weekly public service announcements (PSAs) on Vimeo and YouTube channels and posting them on the Commission's website**, any individual with internet access can be educated on (1) their human rights under the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man, as well as other relevant treaties, norms, and jurisprudence, and (2) how and under which conditions they may access the System. For the latter goal, the Commission could **provide an online video training series** to educate citizens **on how to file a**

¹ IACHR, Strategic Plan 2011-2015 Executive Summary, p. 77.

² IACHR 2011 Annual Report, p 20 and 21, available at <http://www.oas.org/es/cidh/docs/anual/2011/indice.asp>

petition before the Commission. In addition, the Commission can **record hearings and other public meetings and conferences so that citizens can remain up-to-date on its activities.**

The Commission should consult with civil society organizations on what kind of video content would be most useful for individuals in their State. Civil society would play an important function in making this content more accessible to all persons. They would contribute to these PSAs by translating them if necessary into local languages and providing input on the relevant human rights issues to their local areas. These PSAs must cater to people who speak different dialects in the OAS Member States. Furthermore, because local human rights concerns may vary depending on the region or state, the PSAs must be able to address the relevant rights tailored in such a way that people can understand them.

C. Promotion and Education of Human Rights and Admissibility Procedures and Requirements via Radio Stations

The Commission must be reachable by people who live in remote areas and lack access to the internet as well, including those who are part of rural, indigenous, and campesino communities. **We propose the use of radio communications to reach groups in remote areas that lack widespread internet access.** In its partnership with civil society organizations, the Commission can use existing radio stations to promote and educate them on the Inter-American Human Rights System. Similar to the function of the educational videos mentioned above, the Commission can create regular PSAs that explain and discuss human rights and how to access the System. Civil society organizations can tailor these sound bites to local regions by translating them into the appropriate dialect and providing input on what issues and rights are relevant.

V. CONCLUSION

In sum, we propose increased cooperation between the Inter-American Commission on Human Rights and civil society. These groups can work together to educate and raise awareness about human rights and admissibility requirements and procedures, ultimately reducing the Commission's backlog for reviewing the admissibility of petitions. Through technology such as video-sharing websites and local radio stations, civil society and the Commission can cooperate to create public service announcements that are tailored to people from different regions within the OAS Member States. These proposals will ultimately strengthen the Inter-American Human Rights System in a cost-efficient manner.

B. CONSULTATION MODULES II AND V

(Recommendations proposed by Katherine Krassilnikoff)

I. Accessibility: Precautionary Measure Requests

Rather than limit the scope of precautionary measures, we suggest that you make it easier to have the Commission process and analyze the measures being requested. While there is a very informative informational brochure available on the Commission's website regarding the petition and case system, it is slightly difficult to find out where requests for precautionary measures should be sent. As a user, it is very easy to see where to file a petition under the "Present a Petition" tab on your home page. I would highly suggest that you **add a tab entitled "Present a Precautionary Measure Request"** in that same area so that it is easier to find.

II. Strengthen the Inter-American Human Rights System through Better Cooperation between National Human Rights Institutions (NHRIs) and the Inter-American Commission on Human Rights

A. Introduction

Out of all of the petitions the Commission receives on a yearly basis, it is estimated that only approximately 10% of these will meet the admissibility requirements necessary for processing³. National Human Rights Institutions (NHRIs) can help improve the quality of petitions filed before the Commission by educating and raising awareness about admissibility requirements and procedures. Thus, the Commission should strengthen its relationship with NHRIs.

B. Recommendation

The Commission can meet the request of the States of doing a better job of promoting and protecting human rights in the region through the creation and increased support of NHRIs. The Commission should **train NHRIs to review individual petitions prior to their submission to the Commission in order to both reduce the amount of inadmissible petitions the Commission receives and reduce the backlog of petitions.**

NHRIs serve to promote human rights protection and prevent human rights violations nationally. The Network of National Institutions for the Promotion and Protection of Human Rights in the Americas was created in 2000 and works to support the development of new and emerging NHRIs. These NHRIs are engaged with the Inter-American Commission and the Inter-American Court on Human Rights. A 2009 survey produced by the Office of the High

³ IACHR, Strategic Plan 2011-2015 Executive Summary, p. 77.

Commissioner on Human Rights focusing on NHRIs showed that only half of the institutions were actively engaged with the Commission and less than half were involved with the Court⁴.

The Paris Principles were adopted in 1993 by the General Assembly and are the current guiding principles for NHRIs. They include guidelines for responsibilities, composition, competence, and methods of operation, and state that NHRIs shall be given the broadest mandate as possible. According to the Paris Principles, NHRIs should be enabled to investigate alleged human rights violations, conduct public inquiries, exercise advisory jurisdiction, enforce human rights in prisons, and promote human rights education and awareness. NHRIs current interactions with the Commission and Court are extremely limited⁵. Their interactions need to be broadened in order to reduce the backlog of petitions and they need to serve as a positive resource for the IAHR.

The Commission could train NHRIs and enable them to assist individuals with the legal and structural aspects of the petition process. In this sense, NHRIs could potentially act as a gatekeeper for the Inter-American Commission on Human Rights. The term “gatekeeper” should not be taken literally in that petitioners would be required to go through the NHRIs prior to submitting a case to the Commission, but more of a helpful option. Individuals would receive assistance with their petition and the Commission would be able to manage it’s time and resources more efficiently.

If NHRIs are adequately trained by the Commission to review these petitions prior to them being filed with the Commission, it may decrease the amount of inadmissible petitions while increasing the amount of petitions that comply with all admissibility requirements. Furthermore, they could work to identify whether the issue at hand is indicative of a general, mass violation occurring within the State that would require additional action by the Commission.

C. Conclusion

National human rights institutions have a great capacity for improving the Inter-American System of Human Rights and their role should be expanded. The Commission should consider the training of NHRIs to review individual petitions for admissibility requirements prior to their submission to the Commission in order to maximize the time and resources of the Commission and reach, educate, and protect a much larger population.

⁴ OHCHR, Survey on National Human Rights Institutions, Geneva, July 2009, p. 46.

⁵ *Id.*