The Inter-American Commission on Human Rights (IACHR) is one of two bodies in the inter-American system for the promotion and protection of human rights. The Commission has its headquarters in Washington, D.C. The other human rights body is the Inter-American Court of Human Rights, which is located in San José, Costa Rica.

The IACHR is an autonomous organ of the Organization of American States (OAS). Its mandate is found in the OAS Charter and the American Convention on Human Rights. The IACHR represents all of the member States of the OAS. It has seven members who act independently, without representing any particular country. The members of the IACHR are elected by the General Assembly of the OAS.

The IACHR is a permanent body which meets in ordinary and special sessions several times a year. The Executive Secretariat of the IACHR carries out the tasks delegated to it by the IACHR and provides legal and administrative support to the IACHR as it carries out its work.

**What are the Functions and Powers of the Commission?**

The IACHR has the principal function of promoting the observance and the defense of human rights. In carrying out its mandate, the Commission:

a) Receives, analyzes and investigates individual petitions which allege human rights violations, pursuant to Articles 44 to 51 of the Convention. This procedure will be discussed in greater detail below.
b) Observes the general human rights situation in the member States and publishes special reports regarding the situation in a specific State, when it considers it appropriate.

c) Carries out on-site visits to countries to engage in more in-depth analysis of the general situation and/or to investigate a specific situation. These visits usually result in the preparation of a report regarding the human rights situation observed, which is published and sent to the General Assembly.

d) Stimulates public consciousness regarding human rights in the Americas. To that end, carries out and publishes studies on specific subjects, such as: measures to be taken to ensure greater independence of the judiciary; the activities of irregular armed groups; the human rights situation of minors and women, and; the human rights of indigenous peoples.

e) Organizes and carries out conferences, seminars and meetings with representatives of Governments, academic institutions, non-governmental groups, etc... in order to disseminate information and to increase knowledge regarding issues relating to the inter-American human rights system.
f) Recommends to the member States of the OAS the adoption of measures which would contribute to human rights protection.

g) Requests States to adopt specific "precautionary measures" to avoid serious and irreparable harm to human rights in urgent cases. The Commission may also request that the Court order "provisional measures" in urgent cases which involve danger to persons, even where a case has not yet been submitted to the Court.

h) Submits cases to the Inter-American Court and appears before the Court in the litigation of cases.

i) Requests advisory opinions from the Inter-American Court regarding questions of interpretation of the American Convention.

**Commission Processing of Individual Cases**

The Commission is currently processing more than 800 individual cases. Any person, group of persons or non-governmental organization may present a petition to the Commission alleging violations of the rights protected in the American Convention and/or the American Declaration. The petition may be presented in any of the four official languages of the OAS and may be presented on behalf of the person filing the petition or on behalf of a third person.

The Commission may only process individual cases where it is alleged that one of the member States of the OAS is responsible for the human rights violation at
issue. The Commission applies the Convention to process cases brought against those States which are parties to that instrument. For those States which are not parties, the Commission applies the American Declaration.

The Commission may, of course, study those petitions alleging that human rights violations were committed by State agents. However, the Commission may also process cases where it is asserted that a State failed to act to prevent a violation of human rights or failed to carry out proper follow-up after a violation, including the investigation and sanction of those responsible as well as the payment of compensation to the victim.

The petitions presented to the Commission must show that the victim has exhausted all means of remedying the situation domestically. If domestic remedies have not been exhausted, it must be shown that the victim tried to exhaust domestic remedies but failed because: 1) those remedies do not provide for adequate due process; 2) effective access to those remedies was denied, or; 3) there has been undue delay in the decision on those remedies.

If domestic remedies were exhausted, the petition must be presented within six months after the final decision in the domestic proceedings. If domestic remedies have not been exhausted, the petition must be presented within a reasonable time after the occurrence of the events complained of. The petition must also fulfill other minimal formal requirements which are found in the Convention and the Rules of Procedure of the Commission.

When the Commission receives a petition which meets, in principle, the requirements established in the Convention, the Commission assigns a number to
that petition and begins to process it as a case. This decision to open a case does not prejudge the Commission's eventual decision on the admissibility or the merits of the case. This means that the Commission may still declare the petition inadmissible and terminate the process without reaching the merits or may find that no violation has occurred. If the Commission decides that a case is inadmissible, it must issue an express decision to that effect, which is usually published. On the other hand, the Commission need not formally declare a case admissible before addressing the merits. In some, but not all, cases, the Commission will declare a petition admissible before reaching a decision on the merits. In other cases, the Commission will include its discussion regarding the admissibility of a petition with its final decision on the merits.

When a case is opened and a number is assigned, the pertinent parts of the petition are sent to the Government with a request for relevant information. During the processing of the case, each party is asked to comment on the responses of the other party. The Commission also may carry out its own investigations, conducting on-site visits, requesting specific information from the parties, etc... The Commission may also hold a hearing during the processing of the case, in which both parties are present and are asked to set forth their legal and factual arguments. In almost every case, the Commission will also offer to assist the parties in negotiating a friendly settlement if they so desire.

When the parties have completed the basic back-and-forth of briefs and when the Commission decides that it has sufficient information, the processing of a case is completed. The Commission then prepares a report which includes its conclusions and also generally provides recommendations to the State concerned. This report is
not public. The Commission gives the State a period of time to resolve the situation and to comply with the recommendations of the Commission.

Upon the expiration of this period of time granted to the State, the Commission has two options. The Commission may prepare a second report, which is generally similar to the initial report and which also generally contains conclusions and recommendations. In this case, the State is again given a period of time to resolve the situation and to comply with the recommendations of the Commission, if such recommendations are made. At the end of this second period granted to the State, the Commission will usually publish its report, although the Convention allows the Commission to decide otherwise.

Rather than preparing a second report for publication, the Commission may decide to take the case to the Inter-American Court. If it wishes to take the case to the Court, it must do so within three months from the date in which it transmits its initial report to the State concerned. The initial report of the Commission will be attached to the application to the Court. The Commission will appear in all proceedings before the Court.

The decision as to whether a case should be submitted to the Court or published should be made on the basis of the best interests of human rights in the Commission's judgment.