
INDIGENOUS PROTECTION MECHANISMS IN THE INTER- AMERICAN HUMAN RIGHTS SYSTEM

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Components of the ISHR

Functions of the IACHR Court

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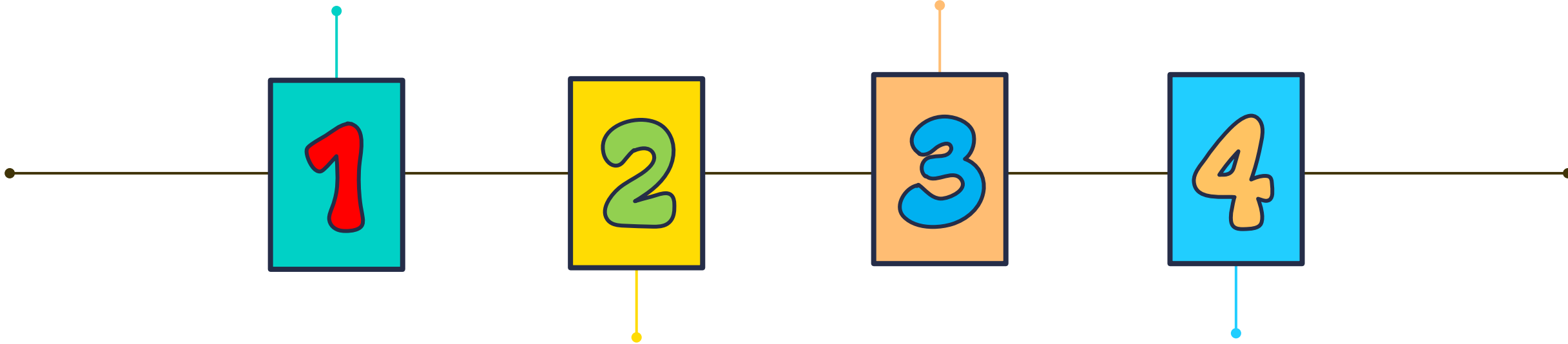
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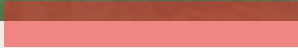
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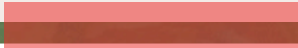
Functions of the IACHR

Important resources





**BRIEF DESCRIPTION OF THE
COMPONENTS OF THE INTER-
AMERICAN HUMAN RIGHTS
SYSTEM**





**TOPIC
I**

Conventional, statutory, regulatory,
case law and customary legal
standards

Bodies responsible for overseeing
compliance with the obligations
derived from the legal norms

Human rights organizations, victims,
media and universities





The regulatory component



They are generally referred to as a statement, guideline, rule, principle, resolution, etc.

Non-conventional

They generally adopt the name of Charter, Protocol, Pact, Covenant, Convention, Convention, etc.

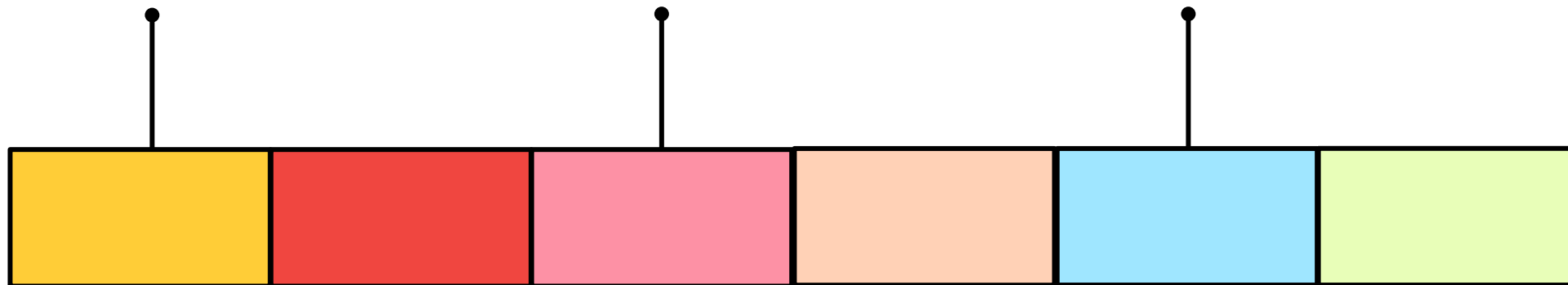
Conventional



American Declaration on the Rights
and Duties of Man (1948)

Declaration of Principles on
Freedom of Expression (2000)

Principles on Public Memory
Policies in the Americas (2019)



American Declaration on the Rights
of Indigenous Peoples (1999)

Principles and Best Practices on the
Protection of Persons Deprived of
Liberty (2008)

Inter-American Principles on
Migrants, Refugees, Stateless
Persons and Victims of Trafficking
(2019)

American Convention
on Human Rights
(1969)

Inter-American
Convention to Prevent
and Punish Torture
(1985)

Inter-American
Convention on
Forced Disappearance
of Persons (1994)

Convention on the
Prevention, Punishment
and Eradication of
Violence against
Women (1994)

Convention against
Discrimination of
Persons with Disabilities
(1999)

Convention Against All
Forms of Discrimination
and Intolerance (2013)

Convention on the
Human Rights of the
Elderly (2013)

Convention against
Racism, Racial
Discrimination and
Intolerance (2015).



The institutional component



IACHR

Created in 1959, it is headquartered in Washington, D.C. and is composed of 7 commissioners with a 4-year term and 1 re-election.

Has the role of Inter-American prosecutor

IACHR

Created in 1969, it is headquartered in Washington, D.C. and is composed of 7 commissioners with a 4-year term and 1 re-election.

It has the role of the highest court

Both have an advisory function and a litigation function.



**PRACTICAL USE OF THE ADVISORY
AND CONTENTIOUS FUNCTIONS OF
THE IACHR**

**TOPIC
2**

Public hearings

Rapporteurships

On-site visits





Public hearings



They are an opportunity to have direct contact with the IACHR and provide it with relevant and updated information on a matter of interest.

The request for hearings is submitted in writing to the IACHR Executive Secretariat at least 50 days before the beginning of the session.



They are held during the sessions and serve to receive information on the human rights situation in one or more States.

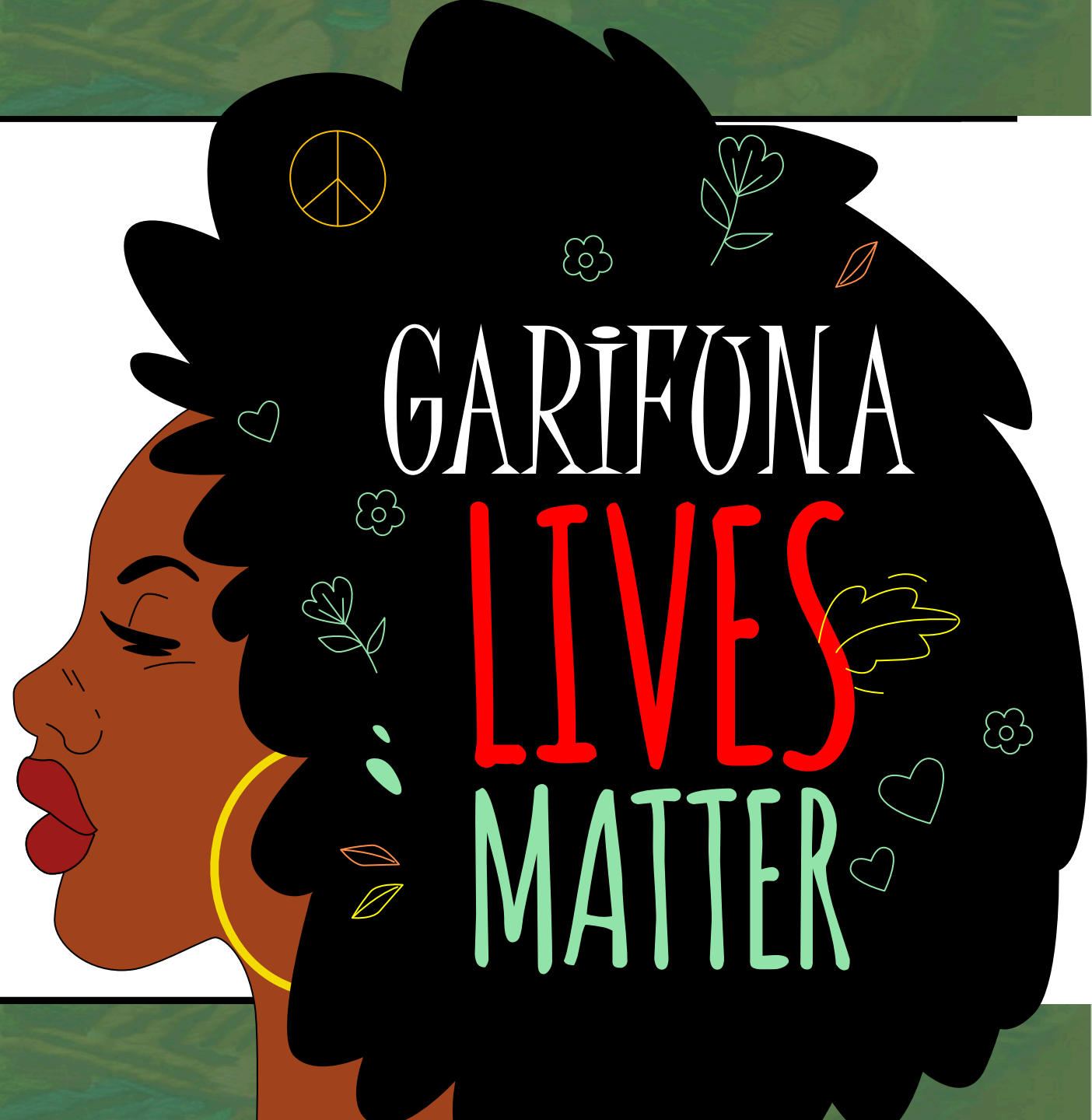
The hearings last 45 minutes, can be face-to-face, hybrid or virtual, and the person or organization requesting them must pay their own travel expenses.

Receive an explanation from the State or commit the State to a specific action

Open space for a case that has been presented or is to be presented

To succeed in interesting a thematic rapporteurship on the points addressed at the hearing.

To make visible or generate a pronouncement on the issue.





Rapporteurships





7 Country
rapporteurships

11 Thematic
rapporteurships

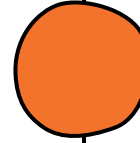
2 Special
rapporteurships

Guatemala, Mexico.

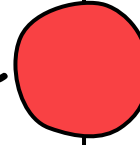
Nicaragua and Venezuela



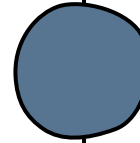
Antigua and Barbuda,
Bahamas, Canada,
Dominica, Dominican
Republic and St. Lucia.



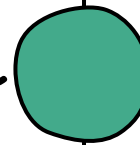
Argentina, Barbados, Brazil,
El Salvador and Uruguay



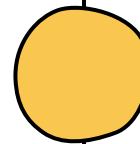
Belize, Bolivia, Chile,
Colombia and Saint Kitts
and Nevi



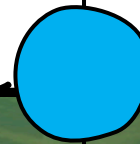
United States, Guyana,
Jamaica, and Panama.



Costa Rica, Grenada,
Honduras, St. Vincent and
the Grenadines, and
Trinidad and Tobago



Cuba, Ecuador, Haiti;
Paraguay, Peru and
Suriname.



Indigenous
(1990)

Women
(1994)

Migrants
(1996)

Childhood
(1998)

Defenders
(2001)

Deprived of
freedom (2004)

Afrodescendants
(2005)

LGBTI
(2014)

Childhood
(1998)

Memory, Truth and
Justice (2005)

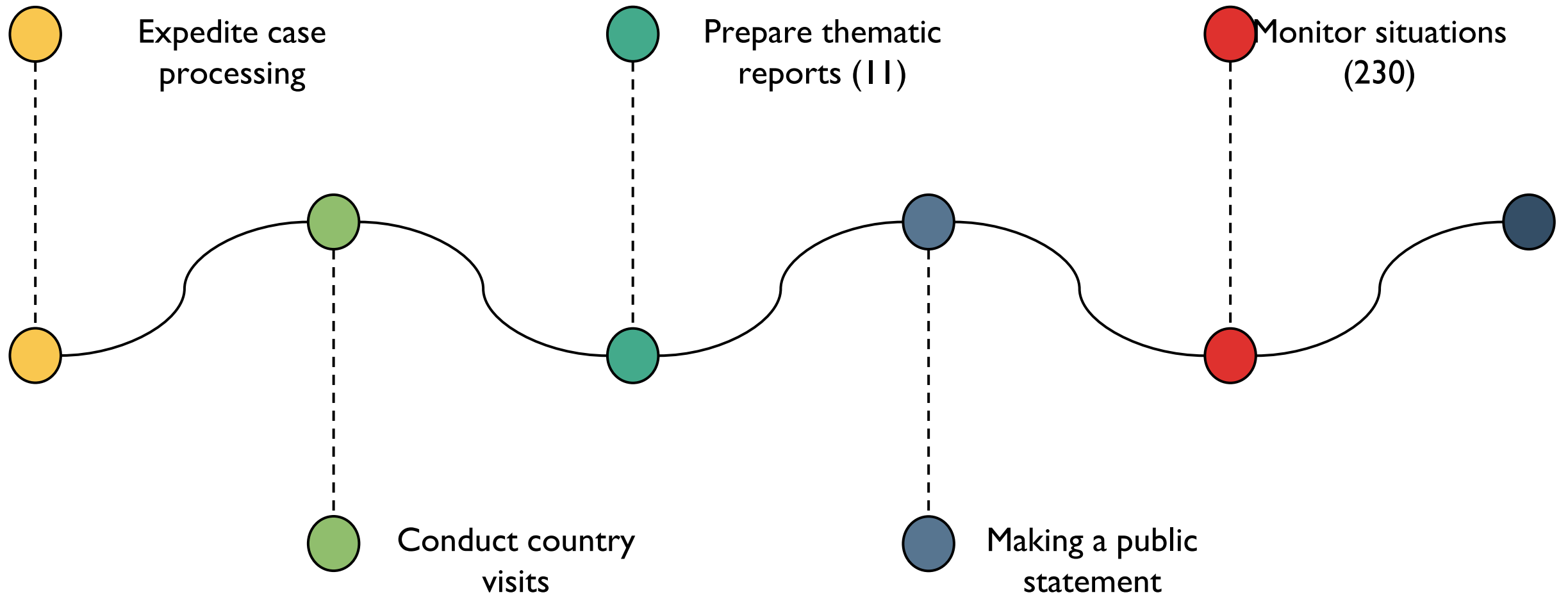
Senior citizens
(2014)

Disability
(1998)

Freedom of expression

DESCA







On-site visits



To have contact with the victims and with the different actors in a country.

Seeing first-hand the human rights situation in the field



Prior invitation, consent or acquiescence of the State is required for the execution of the project.

The delegation is made up of some commissioners, the Executive Secretariat and some of its lawyers.

He met with state authorities and civil society organizations.

Conducts visits to detention centers and other places of risk to human rights

At the end of the visit, a communiqué is issued with some conclusions and recommendations.

A report including findings and recommendations is issued a few months later.

Letter Article 41

Precautionary
measures

Individual request





Letter Article 4I

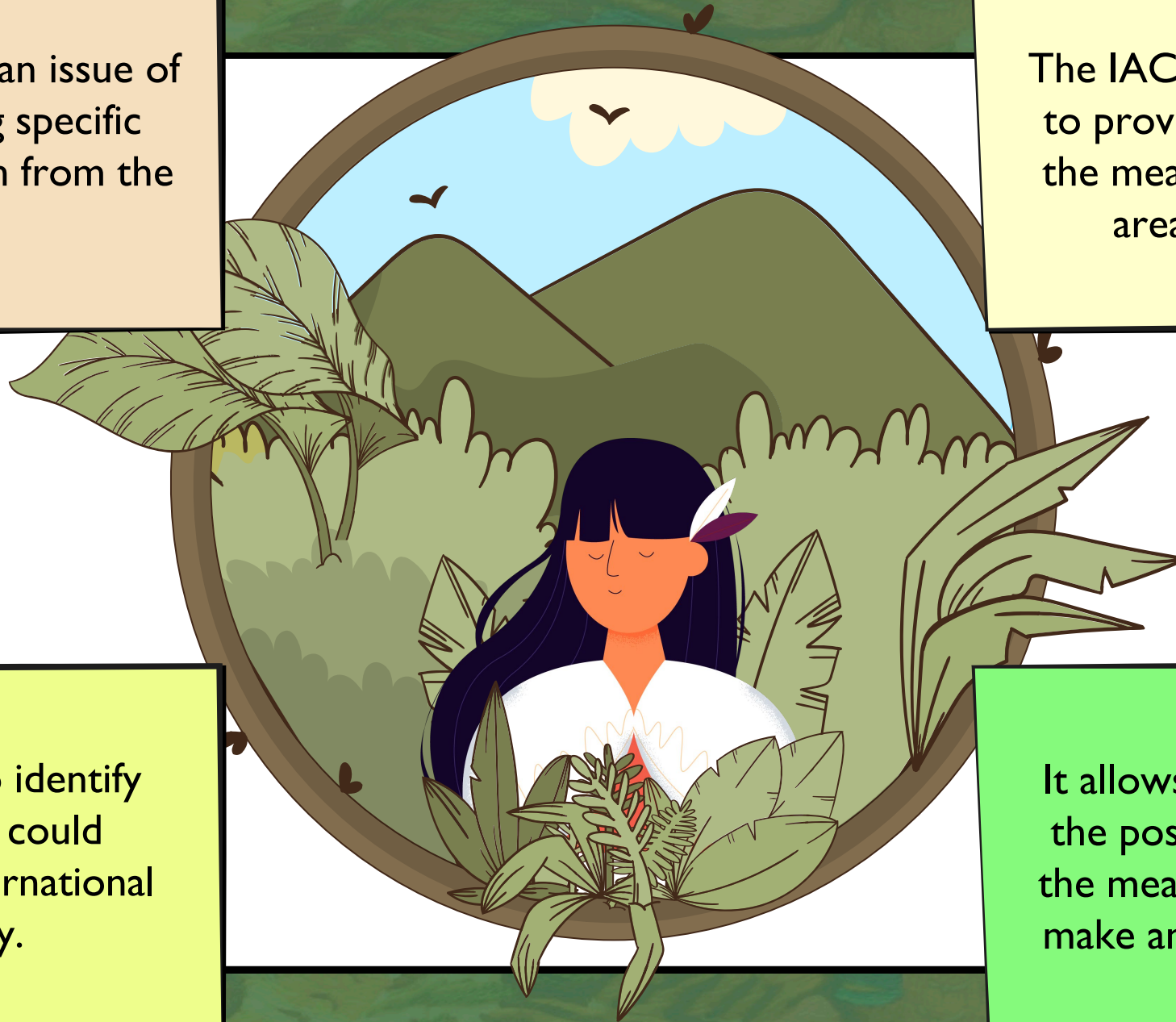


These are letters on an issue of concern requesting specific information or action from the State.

The IACHR requests the State to provide it with reports on the measures it adopts in the area of human rights.

Allows the State to identify those issues that could compromise its international responsibility.

It allows the IACHR to know the position of the State and the measures adopted, and to make an objective evaluation.





Precautionary measures





They are requested in cases of gravity and urgency that present a risk of irreparable harm to people.

Gravity means the serious impact that an action or omission may have on a human right.

Urgency is determined by information indicating that the risk or threat is imminent and may materialize.

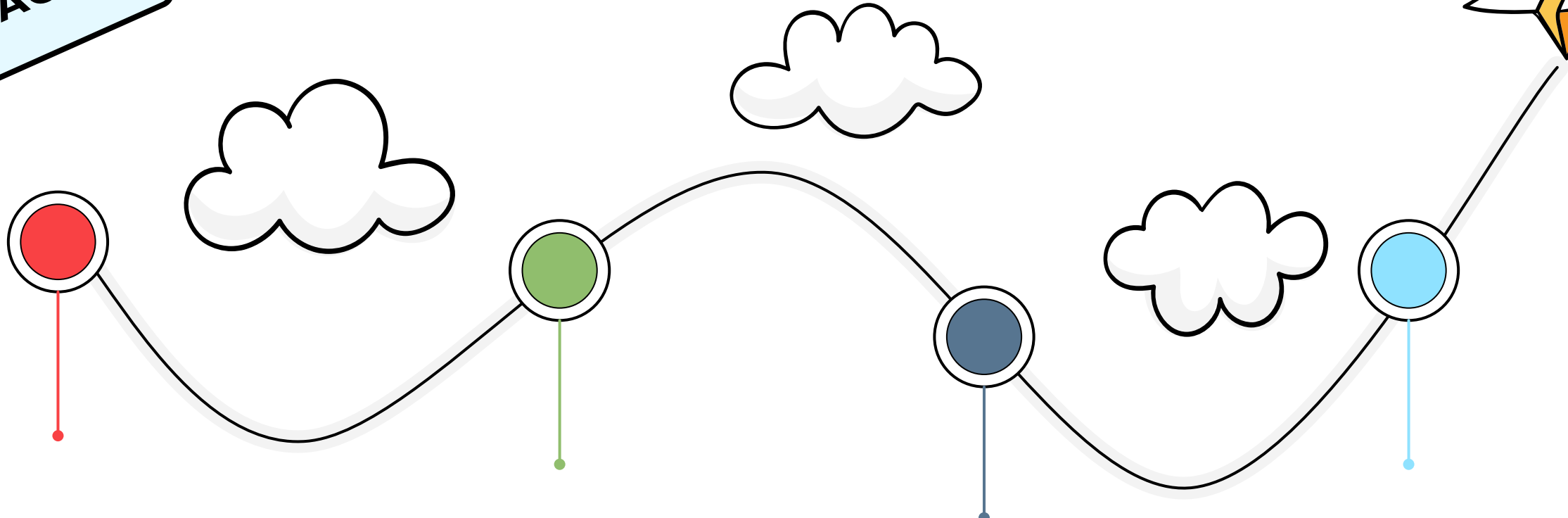
Damage implies the affectation of rights that, by their very nature, are not susceptible to reparation.



Individual request



STAGES

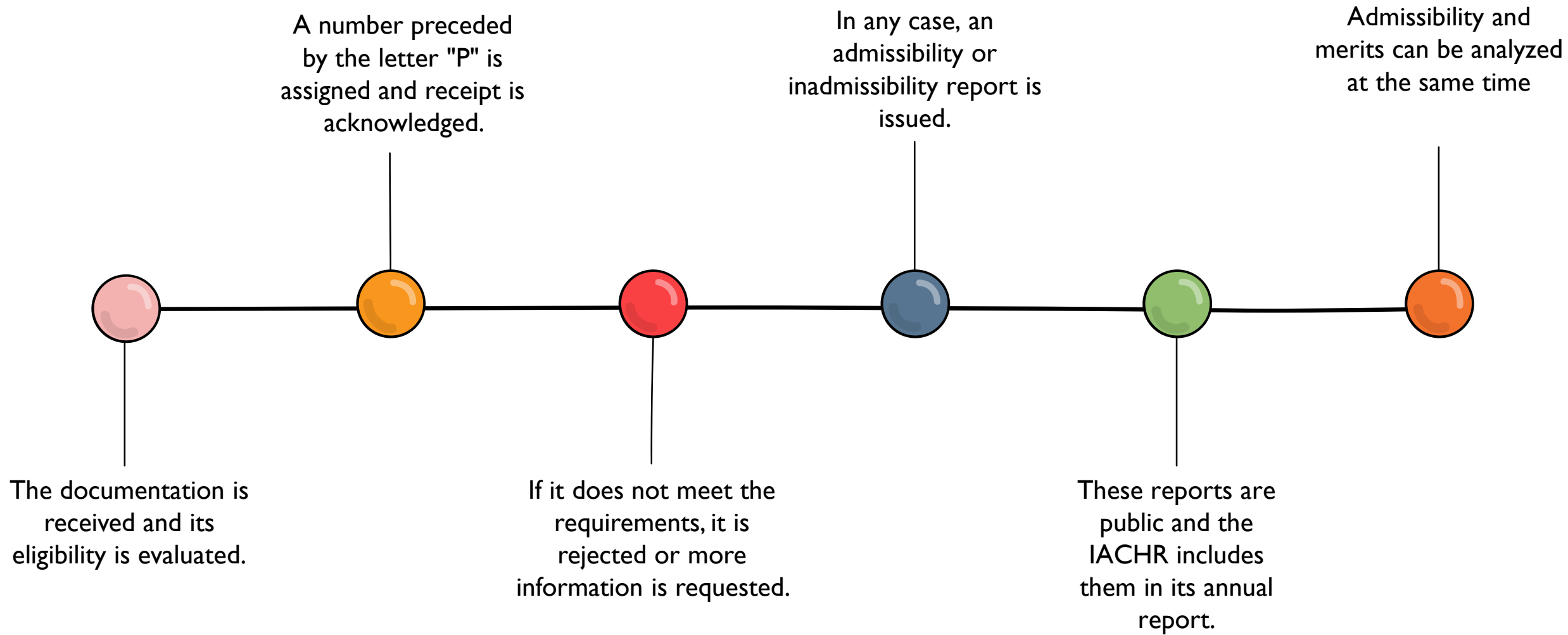


Initial review

Admissibility stage

Background stage

Publication or IACHR
Court



The documentation is received and its eligibility is evaluated.

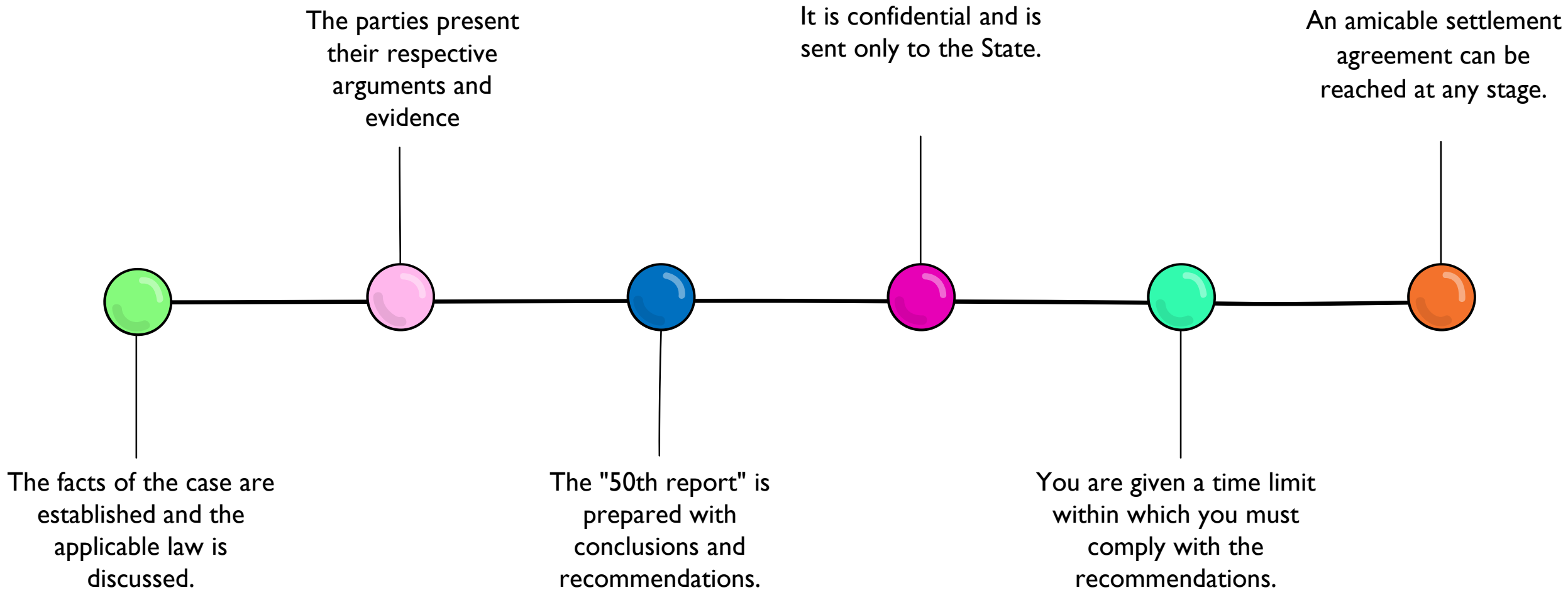
A number preceded by the letter "P" is assigned and receipt is acknowledged.

If it does not meet the requirements, it is rejected or more information is requested.

In any case, an admissibility or inadmissibility report is issued.

These reports are public and the IACHR includes them in its annual report.

Admissibility and merits can be analyzed at the same time



Publish the "50th Report" in the Annual Report and follow it up by requesting periodic information and convening public or private follow-up hearings.

Submit the case to the IACHR Court, hearing the opinion of the petitioning party and analyzing the gravity of the facts, the development of the jurisprudence and the impact of the decision.

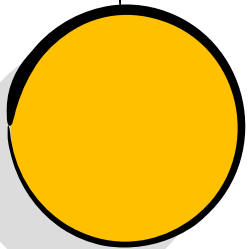


**PRACTICAL USE OF THE ADVISORY
AND CONTENTIOUS FUNCTIONS OF
THE IACHR COURT**

**TOPIC
3**

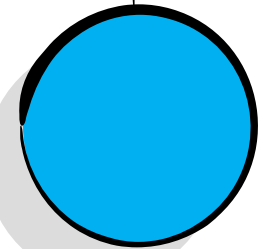
ADVISORY ROLE

Interprets the American Convention and other inter-American human rights instruments, and publishes Advisory Opinions.



CONTENTIOUS FUNCTION

Decides cases submitted to it by the IACHR or by the States, and issues final and unappealable judgments.





Advisory role



To date, the IACHR has interpreted the provisions of the American Convention and has published 29 Advisory Opinions on various topics.





OC No. 23 on Environment and Human Rights

CO on Climate Emergency and Human Rights

CO on the activities of private arms companies and their impact on human rights



Contentious function



Three elements plants



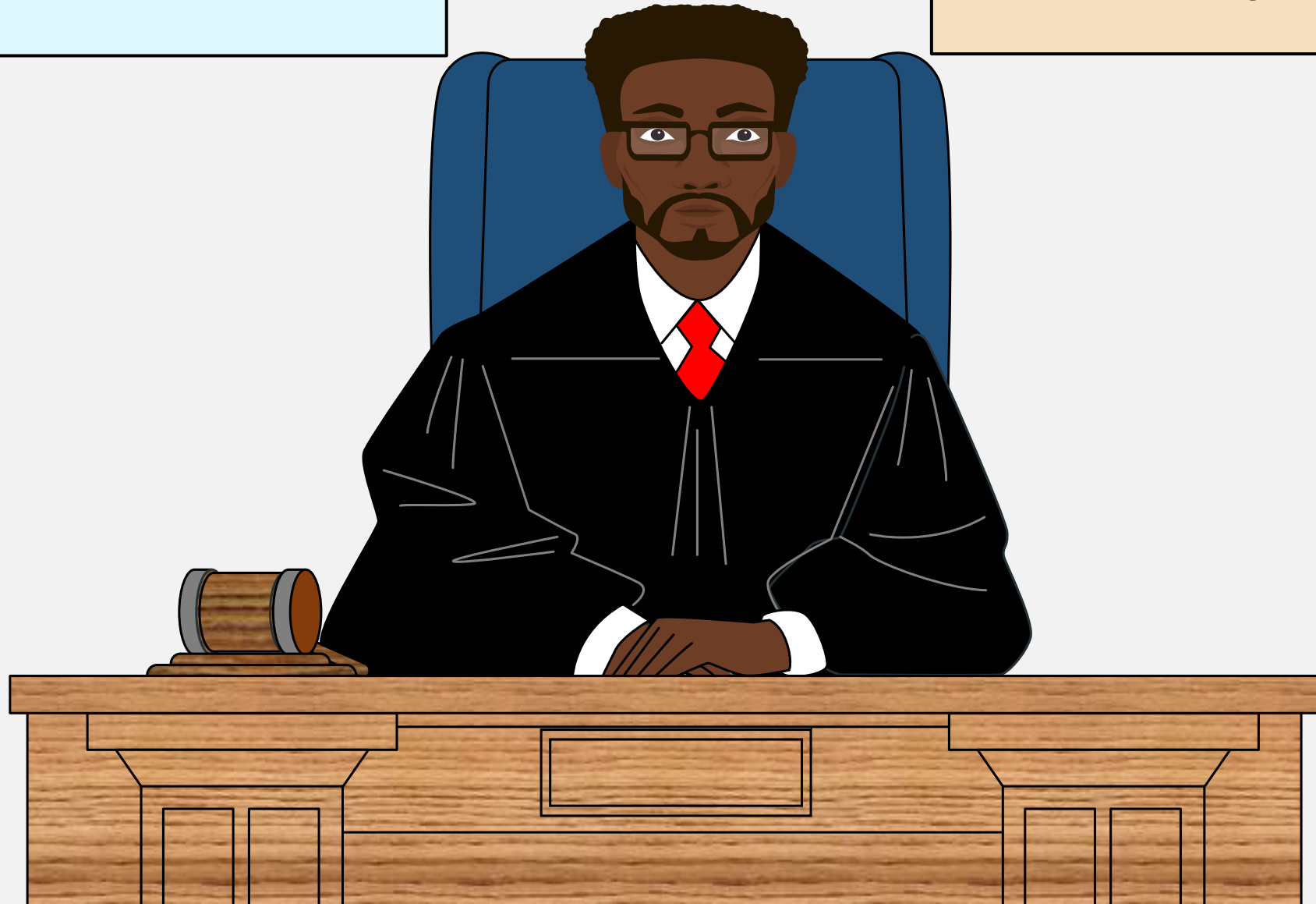
Analysis of the court's jurisdiction
to hear the case

Examination of possible human
rights violations

Establishment of remedial
measures

The judgment of the IACHR Court is final and unappealable and can only be interpreted at the request of the parties.

The IACHR Court monitors compliance by requesting written information or through hearings.



It is necessary to appropriate judgments as legal, political and cultural tools for social transformation.



SOME IMPORTANT RESOURCES

**TOPIC
4**



PUEBLOS INDÍGENAS Y TRIBALES

Cuadernillo de Jurisprudencia de la
Corte Interamericana de Derechos Humanos N° 11

FOLLETO INFORMATIVO

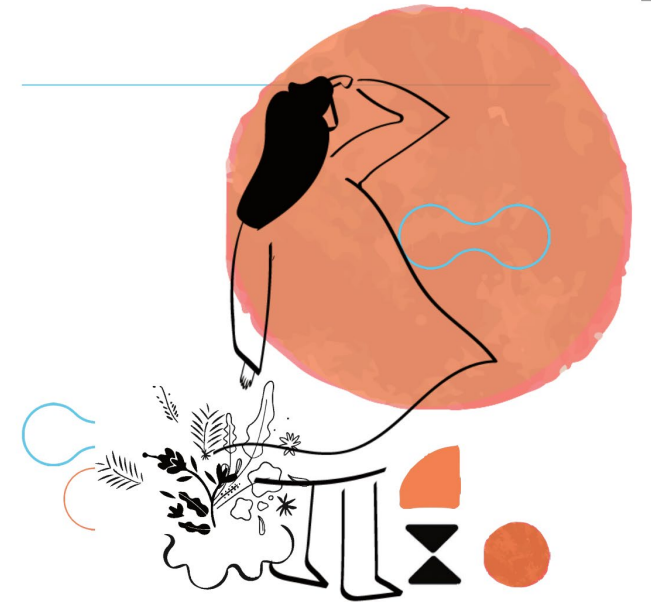
Sistema de Peticiones y Casos

Las personas que consideren que han sido víctimas de violaciones a sus derechos humanos pueden presentar una petición ante la Comisión Interamericana de Derechos Humanos para que se inicie un proceso en el que se verifiquen los hechos y cuando corresponda, se realicen recomendaciones al Estado responsable sobre los derechos vulnerados, de tal manera que hechos similares no vuelvan a ocurrir en el futuro y los hechos ocurridos se investiguen y se reparen.

Este folleto busca informar a estas personas sobre algunos conceptos básicos que deben conocer antes de presentar sus denuncias, exponer en términos claros y sencillos cuáles son los derechos humanos protegidos, cómo y cuándo presentar una denuncia, los requisitos que deben cumplirse y, en general, cuáles son los procedimientos que deben seguirse.

CIDH Comisión
Interamericana de
Derechos Humanos

OEA Más derechos
para más gente



GUÍA PARA DEFENSORES Y DEFENSORAS DE DERECHOS HUMANOS

3ra. Edición actualizada
La protección de los Derechos Humanos
en el Sistema Interamericano

CEJIL
CENTRO POR LA JUSTICIA Y EL DERECHO INTERNACIONAL



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jamejiarivera@gmail.com



<http://papa-y-nena-en-tiempos-de-patriarcado.blogspot.com/>



