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Inter-American Commission on Human Rights

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Inter-American Commission on Human Rights

Abstract

An institution of the Organization of American States (OAS), the Inter-American Commission on Human Rights, was created in 1959 and is an important part of the system designed to promote and protect human rights in OAS member states. The commission draws its mandate from two basic documents applicable to all OAS member states: the OAS Charter (1948) and the American Declaration of the Rights and Duties of Man (1948). Its duties expanded with the creation of the American Convention on Human Rights in 1969 and with subsequent human rights agreements. For those states that have signed and ratified these more detailed and binding Inter-American human rights treaties—the American Convention on Human Rights (1969), its Optional Protocol on Economic, Social, and Cultural Rights (1988), the Protocol to Abolish the Death Penalty (1990), or the Inter-American Convention to Prevent and Punish Torture (1985)—the commission, in conjunction with the Inter-American Court of Human Rights, is also responsible for overseeing states' parties' treaty obligations.

Disciplines

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Comments

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The Inter-American Commission on Human Rights is located at the OAS headquarters in Washington, D.C., and has seven members elected by the OAS General Assembly to four-year terms. (A member of the commission may be reelected and can serve two terms.) Originally the commission's mandate was quite modest, but it expanded significantly. Initially asked only to make recommendations to member states to improve human rights protection within their own domestic legislation, in 1961 the commission conducted its first "country study" (in the Dominican Republic) involving investigations of human rights conditions in an OAS member state. In 1965 the commission was given the authority to investigate not only general human rights practices in member states, but specific cases of human rights violations. At the same time it was given an expanded mandate to consider petitions from individuals and nongovernmental organizations (NGOs) accusing state forces of human rights violations. (In order to bring a case before the commission, individual or NGO petitioners are required to show that they have exhausted domestic remedies and therefore justice in domestic courts has proven to be unattainable.)

Commission investigations can take place with or without the permission of the accused government, but normally commission members visit the country in question with government permission and interview government officials as part of their investigations. They typically hold hearings within the country, taking testimony from representatives of NGOs and individuals. The reports and decisions produced by the commission are first given privately to the government under investigation, which has the opportunity to respond. The commission may then make the report and government response public or present it to the OAS General Assembly.

In the 1990s the Inter-American Commission on Human Rights developed an emphasis on three specific themes in the region: it created a Special Rapporteur on the Rights of Women in 1994 to investigate women victims of armed conflict and violence in the region; a Special Rapporteur on Migrant Workers and their Families in 1997, whose office conducted on-site visits to migrants and immigration detention facilities in the United States and visited Mexico, Guatemala, and Costa Rica; and a Special Rapporteur on Freedom of Expression, also in 1997, to ensure protection of journalists, human rights workers, and others at risk in the region for speaking out.

The power of the Inter-American Commission on Human Rights is exclusively political, and its decisions are not binding. The commission can only declare that a violation has taken place and recommend that it be corrected. Despite the fact that it lacks "teeth" and has no power to enforce its decisions or recommendations, however, the Inter-American Commission on Human Rights can have an important impact in politically sensitive situations. Country studies and investigations by the commission continue, and to date over ninety on-site visits by members of the commission have taken place in OAS member countries, with publication of more than sixty country reports on human rights situations in twenty states. The commission has heard and decided thousands of cases, including those of disappearance, assassination, and torture, and it has become an important avenue for victims of human rights abuses and their advocates.

Another step is sometimes available: the Inter-American Commission on Human Rights may refer a case to the Inter-American Court of Human Rights for a binding decision, if (and only if) the accused state party has accepted the court's jurisdiction. The court, unlike the commission, has the power to reward damages for human rights violations.

See also *American Convention on Human Rights, 1969 (Pact of San José)*; "Disappeared Ones" (*Desaparecidos*), *Argentina and Chile, 1970s–1980s*; *Human Rights*; *Inter-American Court of Human Rights*; *Organization of American States (OAS)*

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Inter-American Committee Against Terrorism (CICTE)

With the collapse of the Soviet Union and the bipolar structure of power relations that characterized the Cold War, an

upsurge of terrorist acts perpetrated by new global actors in the 1980s and 1990s drew a multiyear response from the Organization of American States (OAS) that took form in the first Summit of the Americas in 1994, a First Specialized Conference on Terrorism in Lima in 1996, and a Second Specialized Conference on Terrorism in Mar del Plata in 1998. This last meeting concluded with the creation of the Inter-American Committee Against Terrorism (CICTE) as a “cooperation mechanism” of the OAS member states. The CICTE was to coordinate its activities with those of the consultative committee, which was established, in 1997, by the Inter-American Convention Against the Illicit Production of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. The General Assembly endorsed the Mar del Plata Commitment in 1999, following on the Lima conference’s declaration and plan of action, thereby establishing the CICTE. The first regular session of the CICTE was convened in Miami, Florida, in October 1999.

Founded in accord with Article 53 of the OAS charter for improving antiterrorist communications and actions among the members’ national authorities, the CICTE is headquartered in Washington, D.C., with its Secretary General appointed by the OAS. Its mission is to promote cooperation among member states to prevent and eliminate terrorism.

To achieve these objectives the CICTE assists member states in drafting antiterrorism legislation, provides technical assistance and training, and compiles relevant treaties and agreements. In other areas the CICTE works to improve maritime security (including port security), aviation security (focused on airports), and document security and fraud prevention (with workshops on best practices in travel document security). It also implements “table-top” simulations to develop strategies for terrorist crisis management and threat mitigation, assists in framing legislation and combating terrorist financing, works to enhance tourist security (especially at facilities where tourists can become vulnerable “soft targets”) and cyber security (with an “OAS Comprehensive Inter-American Strategy”), and strengthens cooperation, coordination, and partnerships among hemispheric members and with other agencies, among them a network of National Points of Contact as a means of building synergies among its diverse stakeholders. For tourism protection it has fostered public-private collaborations on projects aimed at increasing security. The CICTE declares its commitment to antiterrorist training and crisis management and promotes adherence to counterterrorism measures while respecting sovereignty and domestic law of member states and the rule of law and international law.

Member states of the CICTE meet in an annual forum to elect a chair and a vice chair, discuss security needs, and make decisions in planning and organizing the means to combat terrorism.

Regular operations as described in the guidelines of the CICTE include the following: networking for the exchange of vital information, creating a database of relevant information for combating terrorism, compiling “legal and regulatory

norms” for fighting and preventing terrorism, collating treaties and agreements drawn by member states, promoting cooperation in the detection of forged documents, training personnel engaged in the prevention and elimination of terrorism, and coordinating activities with other bodies of international law enforcement such as INTERPOL.

Among its events and activities, the CICTE has scheduled a specialized training workshop in the prevention and fight against terrorism and terrorism financing in Trinidad and Tobago, a Train the Trainer and Excellence in Screening Techniques Course in Quito, Ecuador, and a Joint Legislative Technical Assistance Mission in Panama City, Panama.

See also *Counterinsurgency; Organization of American States (OAS)*

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Inter-American Conference, Proposed, 1881

Planned events that fail to occur usually do not enter the pages of history. The Inter-American Conference of 1881 is an exception. The brainchild of United States Secretary of State James G. Blaine, this ill-fated conference provided evidence of the expansion of trade, investment, transportation, and communications between the Latin American nations and the United States during the 1870s and 1880s. Blaine’s plans were also indicative of the growing power of the United States and its ambitious but awkward efforts to use this power.

BLAINE’S VISION

James G. Blaine was a powerful figure in the Republican party when President-Elect James Garfield selected him to be secretary of state. Blaine immediately began to formulate a far-reaching program to expand U.S. commerce in Latin America. Politics influenced his policy formulation. He sought to strengthen the Republican party by opening avenues to increase exports of agricultural goods (wheat and flour) and manufactured products (plows and other farm equipment) from the Midwestern states to Latin America. The Midwest was vital in presidential elections, and Blaine publicized his plans in order to solidify his position in key states from Ohio to Iowa. He also attempted to make inroads in the Democratic party’s bastion in the recently defeated