



**Note No. 0199**

The Permanent Mission of Canada to the Organization of American States presents its compliments to the Executive Secretariat of the Inter-American Commission on Human Rights and has the honour to submit the comments of the Government of Canada in response to the Commission's call for comments regarding the strengthening of the Inter-American Human Rights process.

The Permanent Mission of Canada avails itself of this opportunity to renew to the Executive Secretariat of the Inter-American Commission on Human Rights the assurances of its highest consideration.

Washington, October 5, 2012





October 5, 2012

Hon. José de Jesús Orozco Henríquez  
President  
Inter-American Commission on Human Rights  
Washington D.C. 20006

Dear President Orozco:

The promotion and defence of human rights rank among Canada's top OAS priorities, and Canada is very supportive of efforts aimed at strengthening the inter-American human rights system. In this context, we welcome the Commission's efforts to broadly consult on relevant issues following the report adopted by the OAS Special Working Group on this subject. We are pleased to submit the following observations on the topics that the Commission has identified under its agenda for reforms.

Canada is supportive of any effort aimed at strengthening the inter-American human rights system. The process undertaken by the member states over the past year has led to a number of useful insights and recommendations. This process must be conducted in an open, transparent way and must necessarily include meaningful dialogue with the IACHR, the OAS Secretariat, civil society, other interested parties and users of the system. All parties need to work together to ensure this strengthening exercise is a positive, constructive, balanced one which takes an objective, dispassionate, long-term view of the system.

## **I – THE SYSTEM OF INDIVIDUAL PETITIONS**

Canada is currently reviewing the IACHR's processing of individual petitions. Canada is concerned about the backlog of cases that the IACHR is experiencing. Through its contributions in recent years, Canada has provided concrete support to the IACHR to reduce this backlog. However, Canada believes that an important way to address this problem is to accelerate the resolution process; Canada supports the increased use of friendly settlement mechanisms to informally resolve complaints. This mechanism can present many benefits including lower costs for resolving disputes and a less adversarial outcome for those involved in the petition. As such, it should always remain an option available to parties to resolve their disputes.

However, Canada notes that, at this point, the IACHR resolves relatively few cases per year through friendly settlements. By placing greater emphasis on the informal resolution of petitions, the Commission would be able to process them more quickly.

## **II – PRECAUTIONARY MEASURES**

Canada supports an examination of whether ways exist to improve the application of precautionary measures so that they reinforce the credibility of the inter-American human rights system. Canada is supportive of enhanced transparency and rigour regarding precautionary measures. Precautionary measures are a necessary tool at the Commission's disposal to ensure that a petitioner's rights are not irreversibly harmed pending consideration of the petition. Canada believes that precautionary measures should only be granted as a last resort in the most serious cases.

## **III – MONITORING THE COUNTRIES**

Canada continues to support the Commission's discretion to examine and make recommendations concerning those country-specific human rights situations where the violation of such rights is of particular concern. The Commission, as an independent entity, needs to have the discretion to make this independent judgment. That discretion rightfully extends to the Commission's decision to provide the OAS with updated information on such situations in its annual report.

Canada is concerned that the broadening of Chapter IV of the IACHR's Annual Report to analyze the human rights situation in all countries of the region may dilute the Commission's ability to address the most serious violations of human rights in the hemisphere. Canada is also concerned that such a broadening would result in unnecessary duplication of the extensive work that is already being done in the UN human rights system. Finally, Canada believes that the cost of such a reporting process would create an undue financial burden on the system.

## **IV – PROMOTION, UNIVERSALITY AND TRANSPARENCY**

Canada supports the work of the Commission to promote human rights and to help strengthen national human rights institutions in the region. However, this promotional role should not subsume its role as an important defender of human rights in the Hemisphere.

Any such additional promotional or educational work would require additional funding and personnel, but it is not immediately clear where such resources would come from, given the Commission's difficult financial situation.

It is worth noting that civil society organizations across the Americas are already providing human rights education and capacity-building.

## **V – OTHER ASPECTS RELATED TO STRENGTHENING THE IAHR**

Canada would like to take this opportunity to reaffirm the following points:

- Canada supports the central role played by the Commission and Court in the protection and promotion of human rights in the region.

- The continued independence and autonomy of the inter-American human rights institutions are absolutely critical to their integrity and credibility.
- The ability of the Commission to conduct visits and observe human rights situations is a fundamental aspect of its function to ensure the effectiveness of the inter-American human rights system and plays a key role in promoting and protecting human rights in the hemisphere. This ability must be protected.
- Canada notes that the recommendations contained in the Working Group's report are non-binding in nature. Canada respects the functional independence and autonomy of the Commission and insists on the Commission's discretion to consider and to implement the recommendations, as it deems appropriate.
- It is important to ensure the long-term sustainability and effectiveness of the system while safeguarding its autonomy and independence. In the view of Canada, this begins with ensuring the system's financial sustainability.
- Canada supports efforts to improve the financial sustainability of the inter-American human rights system. We believe the Commission and Court should be supported in a coordinated, sustainable and predictable manner which is aligned with their respective strategic objectives.

Canada has proposed that a technical group be created to identify the financial needs and to establish alternatives for achieving the financial strengthening of the IAHRs organs, taking into consideration the Strategic Plan 2011-2015 of the IACHR and the Guidelines 2011-2015 of the Inter-American Court of Human Rights. This group should include member states, the OAS General Secretariat, and the IAHRs organs.

Thank you for the opportunity to comment, and we look forward to our continuing engagement in this important work.

Sincerely,



Allan B. Culham  
Ambassador  
Permanent Representative