The Organization of American States  
by Natalie Knowlton

The international community focused its attention on protecting human rights in response to horrendous human rights abuses during World War II. Latin and South American states enacted The American Declaration of the Rights and Duties of Man [Declaration] in 1948, shortly after their creation of the Organization of American States [OAS]. While the Declaration set forth dozens of rights, little was done in the next decade to establish a means for their protection.

The 1948 Charter of the OAS [Charter] originally provided for a Commission on Human Rights but one was not formally established until the amending 1959 Protocol of Buenos Aires [Protocol]. The Protocol established the Inter-American Commission on Human Rights, but gave it little power and only a vague mandate to promote human rights. Recognizing ongoing abuses and the need to strengthen the human rights system, the OAS adopted the American Convention on Human Rights [Convention] in 1978.

The Convention reaffirmed the region's commitment to human rights and empowered the Commission. It also established the Inter-American Court of Human Rights [Court] to work with the Commission and further ensure compliance with the Convention. Combined, the Commission and the Court form the sole organ dealing with the promotion and protection of human rights in the Americas. The Commission publishes reports, carries out site visits and reviews petitions which it may then pass along to the Court. The Court has contentious and advisory jurisdiction over signatory members and its decisions are binding.

Because of the system's uneven development--the Commission operating independently prior to the Court's establishment--the joint venture of the Court and Commission has been constrained by institutional problems. While there have been calls for major changes, immediate reforms rest largely on increased cooperation between the Commission and Court. The Inter-American system has already made a positive impact on human rights in the region and further reforms and improvements will create an even more successful regime.

Inter-American Commission on Human Rights

This section is divided into Primary and Secondary sources.

Primary Sources


Secondary Sources


The article argues that the Commission's twofold role of promotion and protection of human rights reflects a dramatic development in its role from past to present. Uses the example of disappearances to illustrate that the Commission has challenged the gross and systematic human rights abuses in the region. Emphasizes the need for increased cooperation between the Commission and Court.


Traces Commission growth and prospects for the future, focusing specifically on the Commission's role in issuing country reports. The article looks to Panama, Nicaragua, and Argentina as illustrative of the reports' positive effects on violating governments and concludes that these reports must continue to be the Commission's central preoccupation.


Discusses the background and framework of the Commission and explores enforcement mechanisms. The article focuses on four cases that illustrate the Commission in practice, commenting especially on the problems in the Commission's handling of petitions. Author concludes by emphasizing the need for institutional changes.


Concentrates on the OAS and its developments in promoting human rights. Analyses the origins, organization, and role of the Commission and its activities before the American Convention and creation of the Court. Case studies illustrate the Commission's experience in processing petitions.

Analyzes the jurisprudence of the Commission and Court, in the context of creating more economic, social, and cultural rights claims. Helps the advocate of these rights to present an effective claim and offers approaches through which to do so. Considers additional procedural issues in preparing a case. Appendix contains forms and model petition.


Reviews the OAS purpose, organs and agreements pertaining to human rights. Covers the creation and organization of the Commission and the expansion of its functions and powers. Appendix includes the founding texts, model complaint, and on-site observation information.


Discusses the post-WWII evolution of the OAS and human rights, specifically the history of the Commission as the 'conscience of the Americas.' The development of its functions, efficacy of on-site visits and country reports in improving human rights in the region is illustrated using country specific examples.


Provides historical information on the Commission and discusses various innovations including a series of thematic rapporteurships. In the areas of indigenous persons, prisons and penal conditions, women and girls, migrant workers, displaced persons, children, and freedom of expression, this article examines how these rapporteurships have furthered the protection of their respective rights.


Offers a better understanding of the Commission as a complaint forum by private actors. This article discusses the functions performed by human rights NGOs involving petitions, investigations, hearings, on-site visits, settlements, and other provisional measures when availing themselves of the Commission's services. Provides examples of these functions using case studies.


Focuses on the Commission's organizational structure, jurisdiction, and activities and suggests the Inter-American human rights experience as being applicable to other regions. The author
offers models and considerations for establishing regional human rights mechanisms based on the Inter-American model.

**Inter-American Court of Human Rights**

This section is divided into Primary and Secondary sources.

**Primary Sources**

[http://www.corteidh.or.cr./public_ing/info_04_ing.pdf](http://www.corteidh.or.cr./public_ing/info_04_ing.pdf).

The most up-to-date report of the Court's activities. Includes an official history of the court, record of recent jurisdictional and advisory activities, discussion of the Court's activities with the Commission, and a section on inter-institutional cooperation agreements.


**Secondary Sources**


This article examines the role and scope of the Court's advisory jurisdiction and selected procedural issues relative to the practice of this jurisdiction. Author suggests that advisory jurisdiction has positively contributed to human rights law and emerging concepts illustrate the continued usefulness of this process in implementing human rights obligations in the Americas.


Provides an overview of the Court's institutional framework and a detailed description of the scope and application of contentious and advisory jurisdiction. Author discusses problematic issues within this framework and argues for the Commission to take the lead in engaging the Court by referring cases and requesting advisory opinions.

Reflection of a former Court judge on the early years of the Court and the problems facing the Court at that time. Discusses the initial election, early cases, frustrations with the Commission, and relations with the European Court of Human Rights. Concludes with present observations and suggestions for increased effectiveness.


This article provides an overview of the authoritative instruments governing the Court and the organization of judges, President, Vice-President, Permanent Commission, and Secretariat. Also includes a discussion of the Court's contentious and advisory jurisdictions and the extent to which both reach.


This article recounts an interview with nine former and present judges, presenting their views on the evolution of the Inter-American Court. The judges respond to questions regarding the manner of operations, the problematic relationship with the Commission, and the changing role of the Court.


Comprehensive study of the Court's advisory jurisdiction. Outlines the role and scope of this jurisdiction, and recommends a three-prong test in determining its use. Author sets forth proposals for refining and expanding, pushing for an even stronger and more effective advisory jurisdiction.


Evaluates the Inter-American system's significant developments and limitations. Beginning with a general discussion of international human rights law, this article evaluates jurisprudential, procedural, and evidentiary precedents set by the Court. Author concludes with limitations on effectiveness and enforcement.


Comprehensive look at the Court's advisory and contentious jurisdiction, provisional measure orders, procedural issues and recent changes to Rules of Procedure. Analyzing and critiquing the
practices and procedures, as well as the relationship between the Commission and Court, this book concludes with proposed changes to the Inter-American system.


Analyzes the decisions and opinions of the Court to assess the accomplishments and limitations. Discusses the jurisdiction, procedure, evidentiary issues, and the normative texts binding the Court. Author concludes that the Court's jurisprudence has made significant contributions to the interpretation and application of human rights in the region.

**Joint Venture of the Court and Commission**


Examines the Inter-American system for human rights in a historical context to draw lessons from the past. Discusses the issue of state compliance with decisions set forth by the Commission and Court, specifically in Peru during the 1990s. Author gives her recommendations and urges increased education on the Inter-American system in the U.S..


Discusses the composition, tools, and function of the Commission and Court, their relationship to one another, and how their procedures create the potential for backlog and delay. This article analyzes the effects of several possible procedural reforms and suggests reform is necessary for the survival of the system.


Comprehensive account of the Inter-American human rights system. Discusses background, competence of Commission, and system of individual petitions. The author reviews the jurisprudence of both the Commission and Court and the contribution to international human rights law, concluding with an assessment of the system's overall effectiveness.


Examines responsibilities of the Commission and Court in supervising human rights compliance, focusing on the Commission's visits in loco, referrals to the Court, special rapporteurs, and role of the case system. Discusses problems with enforcement but counters these issues with the impact the two organs have at domestic levels in the national courts.

HUMAN RIGHTS & HUMAN WELFARE

Analyzes the Court's manner of operation and its introduction into the inter-American human rights system. Discussing how the Commission's role changed after the Court's introduction, the author concludes with an analysis of the limitations that may impede the system in the future.


Author examines what she believes to be the main human rights issues in the region and what the OAS and its organs have done to address them. Looking at poverty, women, and indigenous people, the article concludes with suggestions for changes to the system, emphasizing the necessity for both promotion and protection efforts.


In the context of democracy's relationship to human rights, this review focuses on the OAS in the last decade, looking to regional democratic initiatives and the work of the Commission and Court. Conclusion illustrates existing problems in both institutions and offers suggestions for remedy.


Reviews the historical development of human rights in the Americas through the international conferences and meetings that led to the Commission and Court's establishment. The conclusion illuminates structural, normative, and procedural problems and provides remedies.


After a detailed discussion of the Inter-American human rights system, authors present suggestions for strengthening the mechanisms of protection. Improved procedure, greater coordination between the Court and Commission, and follow-up procedures for verification and monitoring cases are among the recommendations for reassessing the system.