

DIRECTIVE 1/19
GUIDELINES ON THE ACTIVITIES AND FUNCTIONS PROVIDED FOR
IN THE MANDATES OF THE SPECIAL RAPORTEURSHIPS OF THE IACHR
September 30, 2019

I. BACKGROUND AND MANDATE

1. The Special Rapporteurships are offices created by the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") in accordance with Article 15 of its Rules of Procedure, with a specific mandate related to the fulfillment of the functions of promotion and protection of human rights of the IACHR and with respect to topics of particular interest to that end.

2. Throughout its history, the Commission has identified the promotion and protection of the right to freedom of expression, and of economic, social, cultural, and environmental rights as fundamental issues for the establishment and consolidation of the democratic rule of law and for that reason it has established Special Rapporteurships about such matters¹.

3. The Office of the Special Rapporteur for Freedom of Expression (hereinafter "Office of the Special Rapporteur") was created by the IACHR in October 1997 during its 97th Period of Sessions, with the purpose of "strengthening the capacity of the IACHR's to promote and protect full observance of this important right in the Americas, and thus help to ensure its effective exercise."² Since its establishment, the Office of the Special Rapporteur has also been endorsed by the member states of the Organization of American States (hereinafter "OAS").³

4. The Office of the Special Rapporteur was created as "a permanent office that operates independently and has its own budget,"⁴ with the mandate to "raise public awareness of the importance of freedom of expression throughout the hemisphere. This is being done in the conviction that this basic right plays a fundamental role in the development and consolidation of democracy and in the protection of all other human rights. The other purposes of the Office are: to make specific recommendations to Member States regarding freedom of expression so that they can better take measures to support it, to draft specific reports and studies, and to quickly respond to any petition or communication reporting violations of freedom of expression in an OAS Member State."⁵

¹ IACHR. [Strategic Plan 2017-2021](#).

² IACHR. [Annual Report 1998](#). Chapter II. OEA/Ser.L/V/II.102. Doc. 6 rev. April 16, 1999.

³ The Commission's initiative to create a permanent Office of the Special Rapporteur for Freedom of Expression found full support among the OAS Member States. Indeed, during the Second Summit of the Americas, the hemisphere's Heads of State and Government recognized the fundamental role of freedom of thought and expression, and noted their satisfaction over the creation of the Special Rapporteurship. During the Third Summit of the Americas, held in Quebec City, Canada, the Heads of State and Government ratified the mandate of the Office of the Special Rapporteur. Likewise, the OAS General Assembly has on various occasions expressed its support for the work of the Office of the Special Rapporteur and entrusted it with follow-up or analysis of some of the rights that comprise freedom of expression. See, Resolution 1932 (XXXIII-O/03), Resolution 2057 (XXXIV-O/04), Resolution 2149 (XXXV-O/05), Resolution 2121 (XXXV-O/05), Resolution 2237 (XXXVI-O/06), Resolution 2287 (XXXVII-O/07), Resolution 2434 (XXXVIII-O/08), Resolution 2418 (XXXVIII-O/08), Resolution 2523 (XXXIX-O/09), Resolution 2679 (XLI-O/11), Resolution 2661 (XLI-O/11), Resolution 2727 (XLII-O/12), Resolution AG/RES 2811 (XLIII-O/13), Resolution AG/RES. 2842 (XLIV-O/14), Resolution 2885 (XLVI-O/16), and Resolution 2908 (XLVII-O/17).

⁴ IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998](#). Chapter I. OEA/Ser.L/V/II.102. Doc. 6 rev. 16 April, 1999.

⁵ IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998](#). Chapter I. OEA/Ser.L/V/II.102. Doc. 6 rev. 16 April, 1999.

5. On April 3, 2014, during the 159th Period of Sessions, the IACHR announced the identification of the necessary resources "to implement the conversion of its Unit on Economic, Social, and Cultural Rights to a Special Rapporteurship. This will enable the Commission to take a broader, deeper, and more cross-cutting approach to these fundamental challenges. In the coming months, the Commission will proceed with the selection of the Special Rapporteur."⁶ With this, the IACHR began the process of creating the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (hereinafter "ESCER"). During its 163rd Period of Session in Lima, Peru, the IACHR appointed the first Rapporteur of that office, in accordance with the procedure established in Article 15 of its Rules of Procedure.⁷ The IACHR gave a special character to this Rapporteurship, making it a permanent office, with functional independence, operational structure and budget of its own, with the mandate to "build standards and good practices in the area of economic, social, cultural and environmental rights for the region. The ESCER Rapporteurship will promote these rights through its technical support to the IACHR in processing petitions and cases, precautionary measures, and hearings on the topic. It also will prepare thematic and regional reports, will conduct official and academic visits and will provide technical assistance to the States."⁸ In the 2017-2021 Strategic Plan, the ESCER Rapporteurship was included as a pillar of the program of Special Rapporteurships, as well as setting up its functioning "in relation to all the IACHR's mandates, functions and mechanisms."

II. ACTIVITIES AND FUNCTIONS FORESEEN IN THE MANDATES OF THE SPECIAL RAPPORTEURSHIPS

6. As provided for in the Rules of Procedure of the IACHR⁹, the Special Rapporteurships shall exercise their functions in coordination with the Executive Secretary, who may in turn indicate the instances or structure of the Executive Secretariat with which the Rapporteur shall coordinate for the various topics and activities. They will also carry out their activities in coordination with Commissioners in charge of country and thematic Rapporteurships in developing their mandate.

7. Since the Rules of Procedure provide that the activities and functions provided for in the Special Rapporteurships' mandates shall be carried out in accordance with the Rules of Procedure and the guidelines that the Commission might adopt¹⁰, the purpose of this Regulation is to promote coherence and institutional coordination in carrying out functions and activities of the Special Rapporteurs, in order to strengthen and clarify their respective frameworks for action. This guideline is based on the norms established in the Rules of Procedure of the IACHR, as well as the guidelines contained in the IACHR Manuals, the Protocols of Action of the Special Rapporteurships, the institutional practice established, and the Strategic Plans of the IACHR.

A. Petition and Case System

8. In coordination with the Executive Secretariat, the Special Rapporteurships will assist the Commission in the evaluation of petitions and cases, as well as in the preparation of the corresponding reports¹¹. This is one of the most important functions of the Special Rapporteurships. Proper promotion of individual petitions, in addition to providing justice for the specific case, allows to draw attention to

⁶ IACHR. December 7, 2016. [Press Release R 183/16. IACHR Wraps Up its 159th Session.](#)

⁷ IACHR. July 5, 2017. [Press Release R 090/17. IACHR Chooses Soledad García Muñoz as Special Rapporteur on Economic, Social, Cultural, and Environmental Rights \(ESCER\).](#)

⁸ IACHR. [Strategic Plan 2017-2021.](#)

⁹ Article 15.5 of the Rules of Procedure of the IACHR provides that: "Special rapporteurs shall perform their duties in coordination with the Executive Secretary, who may delegate to them the preparation of reports on petitions and cases", and Article 15.6 provides that "[t]he thematic and special rapporteurs shall perform their activities in coordination with the country rapporteurs"

¹⁰ In accordance with Article 15.7 of the Rules of Procedure of the IACHR, "[t]he activities and functions provided for in the Rapporteurships' mandates shall be performed in accordance with the present Rules of Procedure and the guidelines, codes of conduct and manuals that the Commission might adopt."

¹¹ Article 15.5 of the Rules of Procedure of the IACHR provides that "Special rapporteurs shall perform their duties in coordination with the Executive Secretary, who may delegate to them the preparation of reports on petitions and cases."

paradigmatic situations, and to promote the development of inter-American standards in the areas of the mandates of the Special Rapporteurships¹².

9. Taking into account their respective mandates and work plans, Rapporteurships should develop the relevant criteria for the identification of cases related to freedoms and rights under their mandate. Promoting proper momentum. The Special Rapporteurships will coordinate with the Executive Secretariat and the Deputy Executive Secretariats on petitions and cases, all matters pertaining to the study of petitions and cases in their different procedural stages before the Commission and, as the case may be, before the Inter-American Court of Human Rights, as well as the preparation and submission of draft reports.

10. The Special Rapporteurships also assist the Commission in adopting precautionary measures regarding their mandates, in coordination with the Executive Secretariat.

B. Promotion and Academic and Visits

11. The promotion of human rights constitutes one of the most effective mechanisms for their enforcement and defense in the Hemisphere. Special Rapporteurships carry out promotional activities, such as education, training, or dissemination activities, on the intersection between the inter-American system for the protection of human rights and the rights related to their respective mandates. In particular, these offices promote the training of state actors, civil society, and other stakeholders in the region.

12. In carrying out advocacy work, the Special Rapporteurships will also coordinate joint actions with universities and educational centers, civil society, stakeholders, such as national training entities for state officials, as well as with national human rights institutions, or other independent bodies in charge of the promotion and defense of human rights related to the mandates of the Special Rapporteurships.

13. The academic visits will also allow the Rapporteurships to be informed about the state of freedom of expression and economic, social and cultural rights in the different Member States. These visits allow to create an instance of dialogue between the different actors. During these visits, the Special Rapporteurships may communicate with representatives of the State, non-governmental organizations, the media, and individuals interested in the scope of their mandates.

C. Monitoring the Situation

14. The Special Rapporteurships also develop the monitoring of the status of freedoms and rights under their mandate in the region, which is carried out through a wide network of contacts and diversity of sources. In carrying out this function, the Special Rapporteurships provide the Commission with expert knowledge on specific cases or situations that are relevant to the exercise of rights related to their mandates, in accordance with the provisions of Article 15.8 of the Rules of Procedure of the IACHR, which provides that Rapporteurs "shall advise the plenary with respect to issues they have become aware of that may be considered matters of controversy, grave concern or special interest for the Commission."

15. In carrying out this function and following consultation with the Commission, the Special Rapporteurships send communications to the OAS member states based on Articles 41 of the American Convention on Human Rights and 18 of the Statute of the IACHR, and issue press releases. These communications and press releases refer to situations of special concern about persons or groups of people, general trends and patterns that could constitute human rights violations in a particular country, or the content

¹² In fact, in the case of the Office of the Special Rapporteur for Freedom of Expression, the development of this function over the course of its twenty years has created important jurisprudence. The Office of the Special Rapporteur has advised the IACHR in the presentation to the Inter-American Court of Human Rights of individual cases on freedom of expression, which gave rise to emblematic rulings of this Court. The strategy of promoting petitions and cases follows both chronological and potential strategic impact criteria.

of a regulation or legislation considered to be of concern. Communications or letters to States are also an important input for the preparation of reports on the situation of the rights related to each mandate of the Special Rapporteurships.

16. When the Special Rapporteurships request information from OAS member states or make recommendations, the letters should be sent to the presidency of the IACHR and the country Rapporteur for their comments, with a copy to the Executive Secretary before they are forwarded to the States. In the event that it is decided to issue a press release, the draft of the press release, in English and Spanish, must be sent in advance to the president of the IACHR and if there is a country mentioned, the country Rapporteur Commissioner, with a copy to the Executive Secretary, the relevant Deputy Executive Secretary and the Chief of Staff the Office of the Executive Secretariat. In some particularly sensitive cases, the press release may be sent to the entire Commission directive at the request of the president. At this point, the IACHR's special protocol on press releases follows.

D. On-site Visits

17. By invitation of the OAS member States, the Special Rapporteurships also conducts on-site visits to assess the human rights situation in the concerning country, in accordance with the corresponding rules of the IACHR Rules of Procedure and the institutional practice¹³. In particular, the Special Rapporteurships will previously coordinate on-site visits with the Executive Secretariat and the respective country Rapporteurship.

18. Country visits are an essential means of obtaining direct and first-hand information on the human rights situation related to the mandate of the Special Rapporteurs, and facilitate intensive dialogue with all relevant State authorities, including those of the executive, legislative, and judicial branches. They also enable contact and information gathering from victims, victims' relatives, witnesses, national human rights institutions, international and local NGOs, and other members of civil society or stakeholders, the academic community, and officials of international agencies present in the concerning country. Country visits by the Special Rapporteurships provide an opportunity to promote inter-American standards and sensitize national and international actors on specific issues under consideration. This is done, among other things, through meetings, briefings, press coverage, and dissemination of the report of the visit.

19. Special Rapporteurships may carry out visits to countries jointly or together with other representatives of the international community, such as the Special Procedures mandates of the United Nations¹⁴.

E. Reports on the Situation of Rights in the Hemisphere

20. Another important task of the Special Rapporteurships is the periodic preparation of reports on the situation of the rights related to their respective mandates in the hemisphere, which will refer to general or specific situations of human rights violations in the different States of the region, which includes identifying the main threats to ensure their exercise and the progress that has been made in the different areas¹⁵. These periodic reports are tools for engaging in a constructive dialogue with OAS member states highlighting the reported progress in legislative, administrative, or jurisprudential matters, but also drawing attention to the problems and challenges faced during the relevant period. The reports include viable and feasible

¹³ This practice is consolidated by the visits and following reports published by the Office of the Special Rapporteur for Freedom of Expression on the situation of the right to freedom of expression in Paraguay (2001), Panama (2003), Haiti (2003), Guatemala (2004), Venezuela (2004), Colombia (2005), Honduras (2009, 2010 and 2015), Venezuela (2015), and Chile (2016).

¹⁴ In 2010 the Office of the Special Rapporteur carried out a visit to Mexico together with the United Nations Special Rapporteur on Freedom of Opinion and Expression and produced a [special country report](#).

¹⁵ For example, since its establishment, the Office of the Special Rapporteur has issued 19 [annual reports on the situation of freedom of expression](#).

recommendations based on the principles and standards of the inter-American human rights system.

21. Likewise, the Special Rapporteurships will elaborate chapters or provide inputs to the country reports or the Annual Report of the IACHR, regarding issues related to their mandates.

22. For the drafting of these reports, the Rapporteurships will have the information obtained during visits to the Member States, the information provided by governments and other agencies of the State administration, publicly available official information, as well as all other information coming from civil society organizations and individuals interested in the matter.

23. The reports are considered by the plenary of the Commission for approval and inclusion in the Annual Report of the IACHR, which is presented each year to the OAS General Assembly.

F. Public Hearings

24. The IACHR may convene public hearings on its own initiative or at the request of an interested party, in accordance with Articles 61 to 70 of its Rules of Procedure. The hearings have the purpose of receiving information from the parties with respect to a petition or case being processed before the Commission; follow-up to recommendations; or general or particular information related to human rights in one or more OAS Members States.

25. The Special Rapporteurships participate actively in the public hearings convened by the IACHR on the rights related to their respective mandates, preparing inputs, and making the interventions and the corresponding follow-up. These hearings are a fundamental tool within the monitoring and thematic development tasks of the Special Rapporteurships because they allow them to receive inputs on the situation of these rights in the region, to promote the application of international standards in the national legal systems, as well as to know the work of civil society strategic actors.

26. In the process of selecting public hearings to be held at each session, the Special Rapporteurships will prepare their opinion on the requests for hearings received. If the Special Rapporteurships wish the Commission to convene a specific public hearing on issues related to the rights related to their mandate, they may prepare a memorandum addressed to the Executive Secretariat of the IACHR, requesting that it submits a request for hearing to the IACHR president. In working meetings and public hearings dealing with matters related to the mandate of the Special Rapporteurships, the Office will coordinate with the Executive Secretariat to ensure the assistance of the Rapporteur and other persons in charge of attending them. Likewise, the Special Rapporteurships will elaborate the summaries on the background and topics to be addressed in those hearings and meetings. In the case of hearings on a petition or case, the corresponding Special Rapporteurship will also express its opinion on the reception of the testimonial or expert evidence eventually proposed.

G. Development of Expert Knowledge

27. The Rapporteurships also prepare thematic reports on those matters that require specialized study. These reports are designed to lead to processes of discussion on issues and specific problems identified in the region. Thematic reports will include recommendations on the implementation of legislative and administrative reforms, or other public policies and measures to be adopted in the States of the Americas.

28. The thematic reports prepared by the Special Rapporteurships must be approved by the IACHR before they are published and will adequately integrate suggestions of changes, recommendations on topics to be addressed, as well as any other adaptation to the original texts that come from the members of the Commission.

29. In carrying out this function, the Special Rapporteurships may also take part in joint statements with other representatives of the international community, such as United Nations Special

Procedures mandates holder on human rights¹⁶. When it comes to regional issues, statements are signed by the UN and OAS rapporteurs. Joint declarations constitute a fundamental working tool for the Special Rapporteurships. The Special Rapporteurships will keep the IACHR informed of the joint declarations they regularly adopt together with other Special Rapporteurs.

H. Technical Advice and Public Policies

30. At the request of States, civil society, and other interested parties, the Special Rapporteurships can generate projects and actions aimed at providing technical assistance, promoting the exchange of good practices, compliance with standards and legislative adaptation, such as the generation of public policies regarding issues related to their mandates. In this, as in its previous capacities, the Special Rapporteurships will coordinate their efforts in the matter with those of the Executive Secretariat, through its relevant Deputy Secretary. The Special Rapporteurships may also provide technical advice to the organs of the OAS in the areas of its mandate. The Special Rapporteurships will previously inform the respective Country Rapporteurship and the Executive Secretariat about the activities carried out in compliance with this function.

I. Work Plan

31. The Special Rapporteurships, under the leadership of their holders, must prepare a three-year work plan to be presented and approved by the plenary of the IACHR, as a way of establishing, publicly defining, and institutionalizing the axes and priorities of action during each one of the mandates of the Rapporteurships and their respective Offices. The rapporteurs will adjust their work plans with the plenary of the Commission for approval and submit a written report to the Commission on the work carried out, at least once a year, in accordance with Article 15.6 of the Rules of Procedure of the IACHR¹⁷.

32. In the process of setting up a new Special Rapporteurship, transitional plans and affirmative measures that are necessary to ensure their implementation will be adopted.

J. Financing

33. The Special Rapporteurships have their own budget, financed by the funds they obtain themselves, through donations from States, foundations, and particulars, as well as through participation in competitive international cooperation processes. To date, Special Rapporteurships do not receive resources from the Regular Fund of the OAS or the IACHR, nor does it impose on the Executive Secretariat of the IACHR the task of obtaining the funds for its operation, what may be subject to reconsideration by the IACHR.

34. The Special Rapporteurships prepare or participate in the preparation of projects of international cooperation according to the agenda or work plan that has been approved by the IACHR. Based on this work plan, the Special Rapporteurships generate or contribute to the presentation of specific projects to donors that are subject to the corresponding process within the OAS.

35. Notwithstanding the foregoing, the Special Rapporteurships will participate in the coordination instances that the Executive Secretariat has or that they promote in order to optimize the mobilization of funds by the IACHR, always promoting dialogue and cooperation between the different areas.

¹⁶ For example, since its creation, the Office of the Special Rapporteur for Freedom of Expression has participated in the preparation of [statements](#) with other regional and UN rapporteurs for freedom of expression. Joint declarations are usually signed by the rapporteurs of the UN, the Organization for Security and Cooperation in Europe (OSCE), the OAS, and the African Commission on Human and Peoples' Rights. Similarly, the ESCER has participated in joint declarations with the UN Rapporteurships on adequate housing and on the right to health.

¹⁷ Article 15.6 of the Rules of Procedure provides that: "Rapporteurs shall present their work plans to the plenary of the Commission for approval. They shall report in writing to the Commission, at least annually, on the work undertaken".

K. Protocols of Institutional Action and Coordination Spaces

36. In order to provide institutional coherence and pragmatic homogeneity when executing the tasks and activities of the Special Rapporteurships in an effective and methodical way, the Special Rapporteurs should adopt and follow up protocols of action and methodologies of work, under guidelines contained in the IACHR regulations, this directive, the Commission manuals, and established institutional practice. To this end, the Rapporteurships will be able to integrate into the initiatives of the Integrated Information Analysis and Management Platform (IIAMP) of the IACHR for the elaboration of protocols for the production, organization, analysis, and dissemination of information; methodologies for collection, registration, production, and management of information; alliances with local observatories and panels on the prospect and situation analysis, in accordance with the IACHR Strategic Plan.

37. Likewise, in agreement with the Executive Secretariat, the Special Rapporteurships will also participate in coordination spaces or special programs of the IACHR, such as the Rapid and Integrated Response Coordination Unit (SACROI), special follow-up mechanisms, the procedural delays program, the institutional transparency program and those others in which their participation is relevant to ensure the good work and coordination of the tasks of the IACHR.

Approved by the Inter-American Commission on Human Rights on the 30th day of September 2019 (signed): Esmeralda E. Arosemena Bernal de Troitiño, Presidenta; Joel Hernández, Primer Vicepresidente; Antonia Urrejola, Segunda Vicepresidenta; Margarette May Macaulay, Francisco José Eguiguren, Luis Ernesto Vargas Silva, and Flávia Piovesan, Members of the Commission.