

GUIDE: USING THE INTER-AMERICAN HUMAN RIGHTS SYSTEM TO ADDRESS GLOBAL RACIAL JUSTICE ISSUES

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INTRODUCTION

This guide is intended as a tool for civil society actors to learn about how to use different avenues within the Inter-American Human Rights System. This guide is specifically tailored to those seeking to address global racial justice issues in the Americas.

While there are limitations to engagement with the Inter-American Human Rights System, particularly from within the United States and other places where enforcement has historically been low, there is power in the communications and movement building work that can accompany the formalized processes.

SECTION 1. Outlines the key Inter-American instruments that deal with global racial justice issues. These include both legally binding international instruments that impose obligations on States and non-legally binding framework documents.

SECTION 2. Details how advocates can utilize these mechanisms, including how activists can bring racial discrimination cases within the Inter-American Human Rights System.

SECTION 3. Provides additional relevant resources that advocates may refer to when conducting research and/or building cases.

Although this guide focuses on standards established by the Inter-American Human Rights System, it is important to note that other multilateral bodies are also crucial sources of racial justice standards and frameworks. A guide on the United Nations Human Rights System can be found [here](#).

² Information in this guide was gathered through open-source materials from relevant international organizations, civil society organizations, and Inter-American databases.

SECTION 1: KEY INSTRUMENTS ON GLOBAL RACIAL JUSTICE ISSUES AND HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM

INSTRUMENT	DESCRIPTION
<p>1. Charter of the Organization of American States (“Charter of the OAS”)</p>	<ul style="list-style-type: none"> ● A treaty establishing the OAS as an international organization in 1948 and establishing the Inter-American Commission on Human Rights (“IACHR”).³ ● The full text of the Charter of the OAS can be accessed here. <ul style="list-style-type: none"> ○ See Article 3 and Article 45 for key provisions on non-discrimination.
<p>2. American Convention on Human Rights</p>	<ul style="list-style-type: none"> ● A treaty establishing the Inter-American Court of Human Rights (“IACtHR”) and outlining the functions and procedures of the IACHR and the IACtHR.⁴ <ul style="list-style-type: none"> ○ Both of these bodies are discussed further below. ● The full text can be accessed here. <ul style="list-style-type: none"> ○ See Article 1(1) and Article 24 for key provisions on non-discrimination.
<p>3. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights</p>	<ul style="list-style-type: none"> ● A treaty extending the protections of the Pact of San José, Costa Rica to include economic, social and cultural rights.⁵ ● The full text can be accessed here. <ul style="list-style-type: none"> ○ See Article 3 for the key provision on non-discrimination.

³ “What is the IACHR?,” *Inter-American Commission on Human Rights*, accessed February 11, 2025, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/what.asp>.

⁴ *Id.*

⁵ “Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ‘Protocol of San Salvador,’” OAS, accessed February 11, 2025, <https://www.oas.org/juridico/english/treaties/a-52.html>.

INSTRUMENT	DESCRIPTION
<p>4. American Declaration of the Rights and Duties of Man</p>	<ul style="list-style-type: none"> ● A declaration outlining fundamental human rights in the Inter-American Human Rights System, which predates the Universal Declaration of Human Rights.⁶ <ul style="list-style-type: none"> ○ While it is non-legally binding, it has made a great impact in the human rights space. For instance, it has been said that the “development of international law for the protection of human rights has incorporated many of the rights enunciated in the Declaration of the Rights and Duties of Man into obligatory international customary law.”⁷ ● The full text can be accessed here. <ul style="list-style-type: none"> ○ See Article II for the key provision on non-discrimination.
<p>5. Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance (“CIRDI”)</p>	<ul style="list-style-type: none"> ● A treaty prohibiting racism, racial discrimination, and all forms of intolerance in the Inter-American system.⁸ <ul style="list-style-type: none"> ○ The CIRDI is a “counterpart convention in the American regional system” to the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”).⁹ ○ The CIRDI “seeks to strengthen regional efforts in the field of human rights and create an international human rights protection body that is closer to the local context and responds to the realities of the region.”¹⁰ ● Notably, the CIRDI has only been ratified by Antigua and Barbuda, Brazil, Costa Rica, Ecuador, Mexico, and Uruguay. ● More information can be accessed on the official webpage here. <ul style="list-style-type: none"> ○ See Article 2 and Article 4 for key provisions on non-discrimination.

⁶ “The American Declaration of the Rights and Duties of Man,” *Human Rights Commitments*, accessed February 11, 2025, <https://humanrightscommitments.ca/wp-content/uploads/2018/10/American-Declaration-of-the-Rights-and-Duties-of-Man.pdf>.

⁷ “Interpretation of the American Declaration of the Rights and Duties of Man Within the Framework of Article 64 of the American Convention on Human Rights, Advisory Opinion OC-10/89, July 14, 1989, Inter-Am. Ct. H.R. (Ser. A) No. 10 (1989),” *University of Minnesota Human Rights Library*, accessed March 5, 2025, http://hrlibrary.umn.edu/iachr/b_11_4j.htm.

⁸ “Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance,” OAS, accessed February 11, 2025, https://www.oas.org/en/sla/dil/inter_american_treaties_a-68_racism.asp.

⁹ *Id.*

¹⁰ *Id.*

SECTION 2: HOW TO USE HUMAN RIGHTS ORGANS IN THE INTER-AMERICAN SYSTEM

Step One – The Inter-American Commission on Human Rights

I. Background

- The Commission “addresses human rights conditions and violations in 35 Member States of the OAS.”¹¹ It consists of seven Commissioners elected by OAS Member States to serve for up to two four-year terms in their personal capacities.¹²
- The statute creating the Commission can be accessed [here](#).

II. How Global Racial Justice Advocates Can Utilize the IACHR

ACTION	INFORMATION
Engage with the IACHR During Country Visits	<ul style="list-style-type: none">• To learn about Country Visits, please visit the designated webpage of the IACHR, accessible here.• Following a country visit, the IACHR publishes Country Reports, detailing relevant human conditions.¹³<ul style="list-style-type: none">◦ Examples can be found here.• Notably, any particular human rights concern will likely receive at most a few sentences in a Country Report. This is most effective as a tool of “naming-and-shaming.”

¹¹ “Inter-American Human Rights System,” *International Justice Resource Center*, Accessed February 11, 2025, <https://cgji.org/human-rights-oversight/regional/inter-american-system/>.

¹² “Statute of the Inter-American Commission on Human Rights,” *Inter-American Commission on Human Rights*, Accessed on February 11, 2025, https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/basics_statuteiachr.asp.

¹³ “What is the IACHR?” *supra* note 2.

ACTION	INFORMATION
<p>File a Petition (Complaint) When a State Violates the Human Rights of an Individual</p>	<ul style="list-style-type: none"> ● The petition can assert the human rights outlined in Key Instruments (2-5) above, where the State in question has ratified them.¹⁴ ● Generally, petitions must be made within six months after the alleged victim has exhausted domestic remedies.¹⁵ ● The Rules of Procedure of the IACHR provide guidance on what information should be contained in the petition, accessible here. ● Once a petition has been submitted, the IACHR may conduct a visit to the State in question to assess the situation. ● The IACHR may issue recommendations to the State. <ul style="list-style-type: none"> ○ If the State fails to comply, the IACHR may then refer a case to the IACtHR, if the State has accepted its jurisdiction.¹⁶ ● The IACHR may, on its own initiative or at the request of a party, advise a State to adopt precautionary measures to protect one or more persons who are in a serious and urgent situation from suffering irreparable harm.¹⁷ <ul style="list-style-type: none"> ○ The State would then be requested to take immediate action to prevent irreparable, serious harm to a person or group of people, or to the subject matter of a pending petition. ● Petitions can be submitted via the Individual Petition System Portal, accessible here. <ul style="list-style-type: none"> ○ Guidance on submitting a petition can be found here.

¹⁴ “Inter-American Human Rights System,” *supra* note 10.

¹⁵ “Rules of Procedure of the Inter-American Commission on Human Rights,” *Inter-American Commission on Human Rights*, Accessed on February 18, 2025, https://www.oas.org/xxxvga/english/doc_referencia/Reglamento_CIDH.pdf, Article 32.

¹⁶ “Addressing Human Rights Violations in the Americas: Advocacy before the Inter-American System,” *International Justice Resource Center*, Accessed February 16, 2025, <https://ijrcenter.org/wp-content/uploads/2014/04/Video-Guide.pdf>.

¹⁷ “Precautionary measures: their practice as a guarantee of respecting fundamental rights and preventing irreparable damage,” *Inter-American Commission on Human Rights*, Accessed on February 18, 2025, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/decisions/mc/about-precautionary.asp>.

Examples of Complaints Submitted to the IACHR

- A draft petition to the IACHR on behalf of the family of Eric Garner, a black man killed by a U.S. police officer without provocation or justification, is accessible [here](#).
- The American Civil Liberties Union has several publicly available examples, accessible [here](#). This includes one petition regarding racial profiling in the United States, accessible [here](#), and another regarding racial bias in the criminal justice system, accessible [here](#).
- A petition to the IACHR regarding anti-immigrant activities and vigilante violence in Southern Arizona is accessible [here](#).

ACTION	INFORMATION
<p>Request or Contribute to a Thematic Hearing on Relevant Topics</p>	<ul style="list-style-type: none"> • In contrast to case hearings, which are “intended to gather facts pertinent to a specific petition filed with the Commission,” thematic hearings instead “compile up-to-date information about a particular human rights issue in one or more OAS member states.”¹⁸

¹⁸ “Using Thematic Hearings at the Inter-American Human Rights Commission to Advance U.S. Human Rights Accountability: A Resource for the Bringing Human Rights Home Lawyers' Network” *Columbia Law School Human Rights Institute*, Accessed March 5, 2025, https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1029&context=human_rights_institute.

- To identify opportunities to request a public hearing, follow the IACHR's current session for updates on Calls for Requests for Public Hearings, accessible [here](#).
 - For example, during the 192 Period of Sessions (February 24 to March 7, 2025), the IACHR opened a call for public hearings, which ran from November 13, 2024 to December 3, 2024, as can be seen [here](#).
 - Follow the schedule of sessions and register to observe a thematic hearing once the sessions have been announced by selecting the relevant session, accessible [here](#).
 - For more information on thematic hearings as an advocacy tool, please read Columbia Law School's Human Rights Institute's explanatory article, accessible [here](#).
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Examples of Requests for a Thematic Hearing

- The American Civil Liberties Union publicly requested a hearing before the IACHR to address structural racism and police violence in the United States, specifically, the urgent issue of accountability, redress, and reparations for the extrajudicial killings of Black Americans by State agents in the country. This request can be found [here](#).
- An example request entitled "Request for thematic hearing on human mobility and structural racism in the region and the need for an anti-racist approach" can also be found [here](#).
 - This hearing was requested by several civil society groups in the region, and "focused on the racism experienced by Black, Indigenous and Latinx people in their migrant journey through the Americas and engagement with the Mexican and U.S. immigration systems specifically."
 - The participating organizations asked the IACHR to adopt an anti-racist approach to migration, promote regional responses to the forced displacement of Black and Indigenous migrants and increase protections for them.
 - More information about this hearing can be found [here](#).

ACTION	INFORMATION
<p>Engage with the IACHR’s Thematic Rapporteurs</p>	<ul style="list-style-type: none"> ● The Thematic Rapporteurships of the IACHR devote attention to certain groups, communities, and peoples that are particularly at risk of human rights violations due to their state of vulnerability and the discrimination they have faced historically. <ul style="list-style-type: none"> ○ The aim of the Rapporteurships is to strengthen, promote, and systematize the IACHR’s work on a relevant issue.¹⁹ ● The Office of the Rapporteur does not receive individual complaints but assists the IACHR in processing them.²⁰ ● There are various relevant Rapporteurships: <ul style="list-style-type: none"> ○ Principally, the Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination, which works with OAS member States to raise awareness of their duty to respect the human rights of Afro-descendants and eliminate all forms of racial discrimination.²¹ <ul style="list-style-type: none"> ■ More information about the key functions of the Office of the Rapporteur can be accessed here. ■ The webpage of the Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination can be accessed here. ■ Advocacy Materials include: <ul style="list-style-type: none"> ■ Annual reports, accessible here. ■ Country reports, accessible here. ■ Thematic reports, accessible here. ■ Practical guides, accessible here. ○ Although not their primary focus, a number of other Rapporteurships also consider global racial justice issues. <ul style="list-style-type: none"> ■ A full list can be accessed here.

¹⁹ “Thematic Rapporteurships,” OAS, Accessed February 13, 2025, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/r/default.asp>.

²⁰ “Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination,” *International Justice Resource Center*, Accessed February 18, 2025, <https://ijrcenter.org/regional/inter-american-system/rapporteurship-on-the-rights-of-persons-of-african-descent-and-against-racial-discrimination/>.

²¹ *Id.*

ACTION	INFORMATION
<p>Review Relevant Materials and Resources to Assist with Advocacy Efforts</p>	<ul style="list-style-type: none"> ● Past court decisions: <ul style="list-style-type: none"> ○ Published cases, accessible here. ○ SUMMA/The IAHR online provides a complete overview of cases heard by the IACHR, accessible here. ○ Recordings of hearings, accessible here (organized by theme). ● Annual, country, and thematic reports as well as compendiums and practical guides, accessible here. ● Press releases, accessible here. ● Up-to-date information on the activities of the IACHR, including visits, sessions, press releases, etc. through a subscription to its informative distribution list, accessible here.



Step Two — The Inter-American Court on Human Rights

I. Background

- The IACtHR may only hear cases under the following circumstances:
 - i. The case must have already been processed by the Commission;
 - ii. The case must have been referred by the Commission or OAS Member States to the Court; and
 - iii. The case must have been brought against an OAS Member State that has accepted the Court's jurisdiction.²²
- The IACtHR consists of seven judges acting independently and chosen by the OAS General Assembly to serve for up to two six-year terms.²³ Judges convene several times per year for two-week sessions.²⁴
- OAS Member States who have accepted said jurisdiction include:
 - Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, and Venezuela.²⁵
 - Notably, neither the United States nor Canada has accepted jurisdiction.
- The statute creating the Court can be accessed [here](#) and the Rules of Procedure can be accessed [here](#).

²² "Inter-American Human Rights System," *supra* note 10.

²³ "Inter-American Court of Human Rights Statute," *Inter-American Court of Human Rights*, Access February 16, 2025, <https://www.corteidh.or.cr/estatuto.cfm?lang=en>.

²⁴ "Inter-American Human Rights System," *supra* note 10.

²⁵ Human rights in the InterAmerican System, OAS, Accessed March 5, 2025, <https://www.oas.org/ipsp/images/English%20FAQs.pdf>.

II. How Global Racial Justice Advocates Can Utilize the IACtHR

ACTION	INFORMATION
<p>Seek a Court Ruling</p>	<ul style="list-style-type: none"> ● Note that both the States Parties to the complaint and the Commission must have first submitted the case to the Court.²⁶
<p>Submit Amicus Curiae Briefs in Ongoing Cases</p>	<ul style="list-style-type: none"> ● <i>Amicus curiae</i> briefs are written by someone outside a case who “voluntarily offer their opinion on any aspect related to the case.”²⁷ ● “Any person or institution can present an <i>amicus curiae</i>. They must be submitted by email to “tramite@corteidh.or.cr”, indicating who submits it and their respective signature.”²⁸ ● More information about the benefits of submitting an <i>amicus curie</i> is accessible here. ● A list of cases pending at the merits stage is accessible here. ● A list of cases at the monitoring compliance with judgment stage is accessible here.
<p>Review Relevant Materials and Resources to Assist with Advocacy Efforts</p>	<ul style="list-style-type: none"> ● Past court decisions: <ul style="list-style-type: none"> ○ Published cases can be accessed here. ○ SUMMA/The IAHRs online provides an online database of a complete overview of cases heard by the IACHR and the IACtHR, accessible here. ○ Video recordings of hearings can be accessed here. ○ The Court’s audio library can be accessed here. ● Annual reports by the Court, accessible here. ● Publications by the Court, accessible here.

²⁶ “What is the I/A Court H.R.?” *Inter-American Court of Human Rights*, Accessed March 5, 2025, https://www.corteidh.or.cr/que_es_la_corte.cfm?lang=en.

²⁷ *Amicus Curiae*, *Inter-American Court of Human Rights*, Accessed March 11, 2025, https://www.corteidh.or.cr/amicus_curiae.cfm?lang=en#:~:text=As%20stated%20in%20Article%2044,it%20and%20their%20respective%20signature.

²⁸ *Id.*

III. Selected Jurisprudence and Materials on Racial Discrimination in the Inter-American Human Rights System

CASE	INFORMATION
<i>Case of Acosta Martínez et al. v. Argentina</i> [2020] IACtHR, Ser. C No. 410	<ul style="list-style-type: none">• This case concerned the arbitrary detention and subsequent death of Mr. José Delfín Acosta Martínez, a man of African descent, in Argentina.• Argentina admitted that the basis for his arrest was subjective and reflective of broader patterns of racial discrimination against the Afro-descendant population.• The Inter-American Court found that Argentina violated, among other rights, its obligation to respect and ensure the right to equality and non-discrimination.• As reparation, the Court ordered Argentina to implement training programs on racial discrimination and profiling for the federal and Buenos Aires police forces, and to establish a mechanism to document and address complaints of racially motivated arbitrary detention.
<i>Case of the Employees of the Fireworks Factory of Santo Antônio de Jesus and their families v. Brazil</i> [2020] IACtHR, Ser. C No. 407	<ul style="list-style-type: none">• The IACtHR employed an intersectional lens to analyze structural discrimination.• It found that the victims—primarily Afro-descendant female workers who did not finish elementary school and started working as children—suffered structural discrimination based on their situation of poverty and that this was compounded due to their race, gender, and age.• The Court emphasized that the problem was not only industrial safety but their systemic exclusion rooted in historical and socio-economic marginalization.• It held that under the American Convention, States must adopt measures “to correct existing inequalities, to promote the inclusion and participation of historically marginalized groups, and to guarantee to disadvantaged individuals or groups the effective enjoyment of their rights”, thereby ensuring substantive equality for historically marginalized groups.²⁹

²⁸ René Urueña and Stephania Yate Cortes, “Creating the Narrative of Human Rights Impact in Latin America,” and Armin von Bogdandy, Flávia Piovesan, Eduardo Ferrer Mac-Gregor, and Mariela Morales Antoniazzi, “Introduction,” in *The Impact of the Inter-American Human Rights System: Transformations on the Ground*, Cortez da Cunha Cruz et al eds. (Oxford: Oxford University Press, 2024).

CASE	INFORMATION
<p>IACHR Thematic Reports Addressing Racial Discrimination and Equality in the Inter-American Human Rights System</p>	<ul style="list-style-type: none"> • A “Compendium on Equality and Non-Discrimination”, accessible here, compiles Inter-American standards to support “the promotion, dissemination, and application of the principle of equality and non-discrimination”; • A report on “The Situation of People of African Descent in the Americas”, available here, seeks to promote the human rights and visibility of persons of African descent in the Americas and the inclusion of an “ethnic-racial perspective” in the IACHR’s reports; and • A report on “Police Violence Against Afro-Descendants in the United States,” accessible here, concludes that systemic failures in training and prevention “has led to the frequent use of force based on racial bias and prejudice and ... unjustified killings of African Americans.”

SECTION 3: ADDITIONAL RELEVANT RESOURCES

I. NGO Resources

- The non-profit, CEJIL, has provided a map of cases before the Inter-American Court and Commission, accessible [here](#).
- International Justice Resource Center has a handout entitled “Advocacy before the Inter-American System: A Manual for Attorneys and Advocates,” accessible [here](#).
- The International Work Group for Indigenous Affairs has a handout entitled “The Indigenous World 2023: The Inter-American Human Rights System (IAHRS),” accessible [here](#).
- The Due Process of Law Foundation has a host of helpful publications and resources regarding important issues affecting Latin American countries, accessible [here](#).

II. International Organization Resources

- International Institute for Democracy and Electoral Assistance has a handout entitled “Indigenous Peoples’ Rights in Constitutions Assessment Tool,” accessible [here](#).
- The International Labor Organization has a report entitled “Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future,” accessible [here](#).

APPENDIX

ABBREVIATION	DESCRIPTION
Charter of the OAS	Charter of the Organization of American States
CIRDI	Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance
IACHR or The Commission	Inter-American Commission on Human Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IACtHR	Inter-American Court of Human Rights
OAS	Organization of American States