
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 3/2018**

Strengthening of the processing of requests for precautionary measures

May 10, 2018

In accordance with Article 25 of the Rules of Procedure, the Commission grants precautionary measures in serious and urgent situations in order to prevent irreparable harm to persons. Among the beneficiaries of precautionary measures are human rights defenders, journalists and trade unionists, vulnerable groups such as women, children and adolescents, communities of African descent, indigenous peoples, displaced persons, members of the LGTBI community, people deprived of liberty, migrants, the elderly and people with disabilities. Furthermore, the precautionary measures of the IACHR have protected witnesses and justice operators who are in situations of risk. In addition, among other situations, the mechanism of precautionary measures has protected persons who have not been provided with access to medical treatment for their serious health situations, despite the urgency required for that treatment.

Given the exponential increase in the number of requests for precautionary measures, as previously announced by the Commission, in 2017 a Section of Precautionary Measures was created within the Executive Secretariat as part of the Executive Secretariat of Petitions and Cases in order to strengthen the specialization and speed in the processing of the precautionary measures.

With the purpose of advancing the implementation of the 2017-2021 Strategic Plan and strengthening timely attention to the requests that meet the requirements set forth in Article 25 of the Rules of Procedure, the Commission deems it necessary to adopt measures that will expedite the process of requests for precautionary measures.

In view of the abovementioned:

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS:

Reiterates that by its very nature, only allegations that relate exclusively to the elements of seriousness, urgency and risk of irreparable harm established in Article 25 of its Rules of Procedure can be analyzed through the mechanism for precautionary measures, which can be resolved without entering into determinations on merits since this is a characteristic of analysis in an individual petition or case and that exceeds the scope of the mechanism of precautionary measures;

Considers in this sense that, in general, the mechanism for precautionary measures has not been deemed suitable to address those requests that deal strictly with issues or claims such as: i) alleged lack of due process and legal protection in the framework of criminal or civil proceedings (Articles 8 and 25 of the ACHR and Article XVIII of the American Declaration); ii) determination of the compatibility, in abstract terms, of a regulation with the American Convention or other applicable instruments; iii) payment of pecuniary compensations, which include civil, mercantile and pension proceedings; iv) allegedly unjustified dismissals of personnel of private or public companies not elected by popular vote, payment of salaries, determinations on promotions and vacations; v) commercial or civil attachment of property and evictions which represent no additional situations of risk other than impacts on the right to private property; vi) requests for resources or financial support; vii) strictly administrative proceedings, including the issuance of certificates, expediting proceedings and declaratory resolutions.

Considers that the lack of response of the applicants to the requests for information or the lack of updated information for extended periods of time, constitutes an obstacle when determining the actual situation of risk of the proposed beneficiaries taking into account the speed required by the very nature of the mechanism.

Resolves to discontinue the processing of the requests where the State has not been requested to provide information in accordance with Article 25.5 of the Rules of Procedure, when there is no updated information from the applicants within a period of more than 6 months, counted from the date of the last communication submitted. The Secretariat will proceed to notify the applicant of such discontinuation of processing.

Resolves to discontinue processing requests for precautionary measures in which information has been requested from the applicants and, once the deadline established in the communication has expired, there is no response. The Commission as of the date of the issuance of this resolution will periodically - every three months - proceed to verify the inactive matters and will proceed to their discontinuation of processing, without prior notification.

Resolves that in the case of having discontinued the processing of a request for precautionary measures, if the applicants submit additional information stating that the situation meets the requirements established in Article 25 of the Rules of Procedure the information submitted will be processed with a new number of a request of precautionary measures, in light of the situation at the moment.

Resolves that in no case may a matter being processed be discontinued when the request for information has been made to the State and the lack of response is attributable to it.

The present measures are part of the Commission's commitment to the States and applicants to strengthen its prompt response to the mechanism of precautionary measures, its transparency and the predictability and legal certainty of the decisions. The Commission will also continue to guarantee an analysis of the situation submitted, taking into account contexts regarding the country, gender-based perspective and differentiated approaches to applicants belonging to groups in vulnerable situations, as well as developing the tools provided for in the specific program of the Strategic Plan 2017-2021.

The Commission instructs the Executive Secretariat of the IACHR to establish the necessary measures to implement this decision.

Approved in the city of Santo Domingo, Dominican Republic on May 10, 2018 during the 168 Period of Session by: Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vicepresident; Luis Ernesto Vargas, Second Vicepresident; Francisco José Eguiguren Praeli, Joel Antonio Hernández García, Antonia Urrejola and Flávia Piovesan, members of the IACHR.