



**HUMAN RIGHTS CLINIC**  
THE UNIVERSITY of TEXAS SCHOOL of LAW

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***A Call to Strengthen the Precautionary Measures of the Inter-American Commission on Human Rights. A New Report is Published.***

AUSTIN, Texas – A new report on precautionary measures, the mechanism the Inter-American Commission on Human Rights utilizes in grave and urgent situations, was published today by the Human Rights Clinic in the School of Law at The University of Texas at Austin. In the report, the Clinic analyzes the strengths, challenges, and opportunities in the different stages of the precautionary measures process. The report calls for rethinking certain practices which the Commission uses, and it insists upon the States’ responsibility to protect those in danger.

“[Prevenir Daños Irreparables](#)” (Preventing Irreparable Harm) is a 144-page report containing testimony from various actors involved in the precautionary measures process, statistical analysis, and a thorough review of source material. The Clinic relied on collaboration with the International Coalition of Organizations for Human Rights in the Americas and, in particular, the Center for Human Rights of the Universidad Católica Andrés Bello (UCAB) in Venezuela.

According to Ariel Dulitzky, Director of the Clinic and former Assistant Executive Secretary of the Commission, “the Report which we publish today shows that precautionary measures continue to be an essential tool to protect the rights of individuals and communities in danger. However, Dulitzky adds, “even now, many people have been murdered, or continue to be threatened, or do not receive adequate protection, despite the fact that precautionary measures are in effect.”

Among its main conclusions, the Report emphasizes the fact that:

- The IACHR has adopted an excessively strict and rigid interpretation of the requisites for urgency, gravity, and irreparability, and has added other additional steps since the 2013 reform to its Rules of Procedure.
- The result of these changes is that over the years there has been a reduction in the percentage of measures granted when compared with the total requested, such that as of 2017 that number was barely 4%.
- The inclusion of a mandatory step in which information is requested from the State before approving measures results in a significant delay in the decision over awarding

precautionary measures. The Commission waits an average of 206 days before granting a precautionary measure, which works against the very gravity and urgency of the mechanism.

- Since 2013, almost one quarter of all precautionary measures are approved to protect human rights defenders, indicating that the measures are approved not only because of the risks these people face, but also that the Commission prioritizes their situation.
- The percentage of approval varies by nation. Mexico and Colombia receive precautionary measures at a lower rate than the Commission's average rate overall during 2016-2017 (4%). It is no surprise that many Mexican and Colombian organizations criticize the IACHR more harshly than others.
- The Commission's resolutions for measures granted require generic procedures, which hinder proper implementation. The Clinic recognizes the need for flexibility, but there is consensus between representatives of the States and from civil society that greater specificity in resolutions facilitates the measures' adequate and efficient implementation.
- Follow-up and monitoring of precautionary measures has been reduced to a simple transfer of information between beneficiaries and the State rather than the IACHR taking a proactive attitude.

The Clinic maintains that it is the States' responsibility to make a good faith effort to implement the precautionary measures, to communicate openly and constructively with the Commission and with the petitioner and beneficiaries. However, when approved, the majority of States involved have enacted precautionary measures as police actions or security measures. This demonstrates a limited understanding of the intent of the measures and the need for an investigation to identify the source of the danger.

Andrea Clark Gómez, a Venezuelan researcher who is responsible for the final version of the study, "recognizes that some nations have made multiple efforts to institutionalize the implementation of precautionary measures. This institutionalization must be flexible enough so that it does not impede the effects of the precautionary measures."

"We call on States to dutifully fulfill precautionary measures," says Dulitzky. To the Commission, he said, "we recommend, above all, a proactive attitude in a State's compliance with its precautionary measures; a strategic and adaptable use of information requests; an adequate understanding of the requirements based on the origin of the measures, and a more expedited process."

The English version of the report will be published soon.

*The Human Rights Clinic brings together an interdisciplinary group of law and graduate students in a course that incorporates both classroom study and hands-on participation in human rights projects and cases. Follow us on twitter @UTLawHRClinic*