

IACourtHR

40 years

PROTECTING
RIGHTS



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ENG

40TH ANNIVERSARY
OF THE ENTRY INTO FORCE OF THE
AMERICAN CONVENTION ON HUMAN RIGHTS
AND THE CREATION OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS

SOME FACTS AND FIGURES



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Disclaimer

This document is the result of a shared endeavor of the Secretariat of the Inter-American Court of Human Rights and the “International regional law and access to justice in Latin America – DIRAJus” program of the German Cooperation/GIZ. Its objective is to provide basic general information on the evolution of the Inter-American Court of Human Rights. The content of the publication is not binding on the Court.

For more detailed information, please refer to documents issued by the Secretariat available on the Court’s website www.corteidh.or.cr.

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The year 2018 marks the 40th anniversary of the entry into force of the American Convention on Human Rights. This treaty is one of the fundamental pillars of the Inter-American Human Rights System, a system that aims to protect the fundamental rights of all the inhabitants of the region. This allows us to affirm that the origin, the rationale for being and essence of this system are the victims of human rights violations. Each mechanism of the system works to improve their situation, functions to protect their rights and exists to guarantee that justice is done and to avoid new violations.

Today, the Inter-American Court of Human Rights is proud to work towards consolidating the “system of personal liberty and social justice”, as introduced in the Preamble to the Convention and recognizes that there is still a long way to go in our Latin America, a region that still faces major challenges in relation to human rights.

During these four decades, the Court has brought attention to and protected persons and groups in situations of vulnerability that have historically been neglected. The Court has established standards of particular relevance for the protection of the rights of children and adolescents; the rights of women’s; the rights of elderly persons; the rights of indigenous people and tribes; the rights of people with disabilities; the rights

of Afro-descendants and the rights of LGBTI people. There is also comprehensive Inter-American jurisprudence in favor of migrants, refugee, asylum seekers, persons deprived of their liberty, forcibly displaced people, human rights defenders, journalists and people in poverty.

The efforts of this Tribunal to improve the Inter-American System are reflected not only in the content of its judgments, but also in its institutional setting. The subsequent amendments to the Rules of Procedure of the Inter-American Court reflect how the role of the alleged victims has evolved and are part of a constant search to guarantee access to justice in the Inter-American System. Today, they are one of the protagonist in the process and can actively participate throughout the various instances. In addition, innovations, such as the Inter-American Public Defender and the Legal Assistance Fund for Victims guarantee that every person in need has adequate legal advice and the necessary resources to prepare their case before the Court.

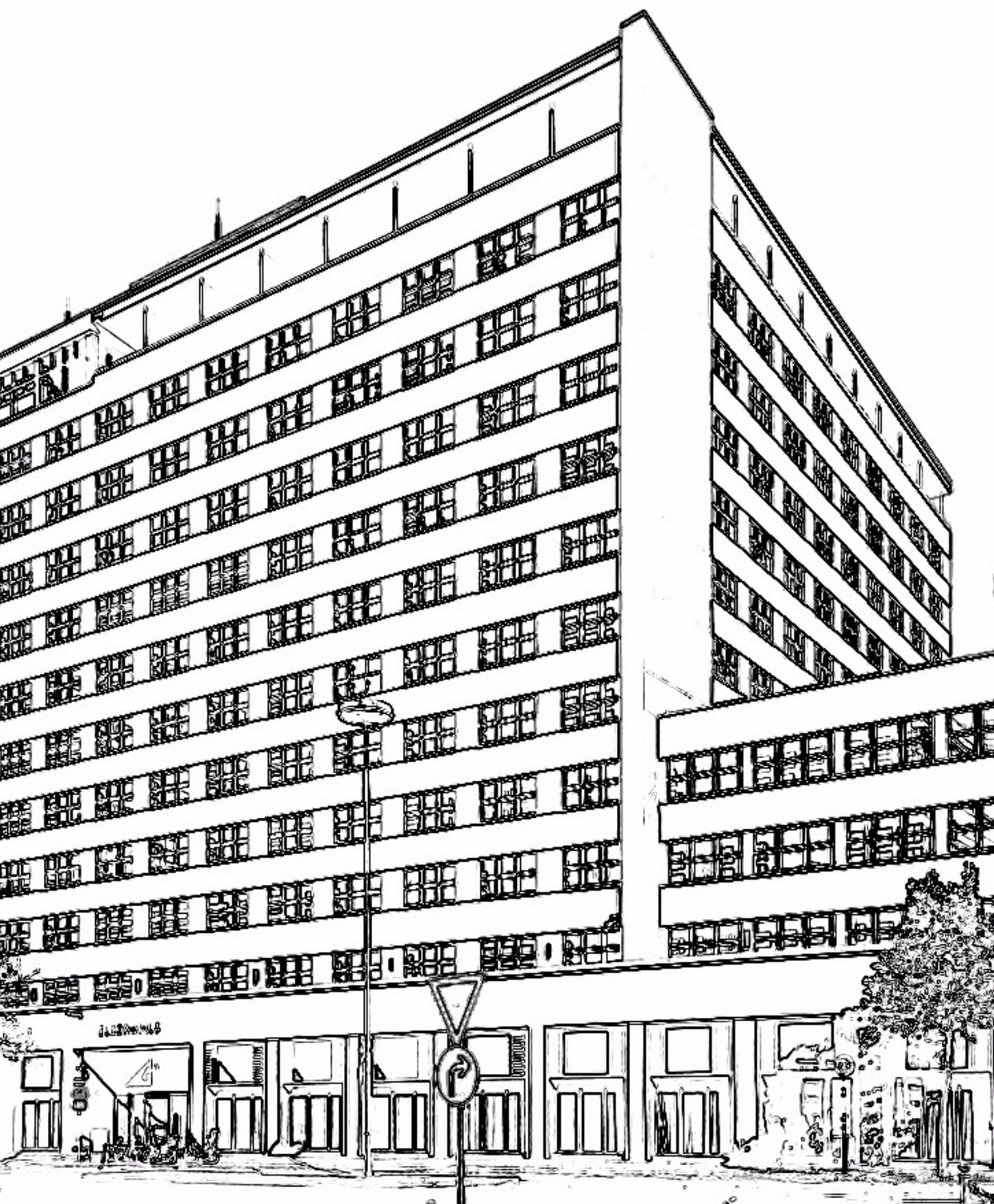
Contributions from civil society, academics and different voices who call for the rights of every inhabitant of the region have supported the work of the Court throughout its struggle to protect human rights. It should be emphasized that the Court has not remained indifferent to the transcendental changes that occurred in the societies of this continent and around the world. In accordance with its mission to interpret the Convention in light of the historical context, the judgments of the Court have extended the protection of the Inter-American System, reinforcing the need to avoid damage to the environment and establishing the direct justiciability of Inter-American social rights, among other recent measures.

On the occasion of its 40th anniversary, the Court presents the “40th anniversary of the entry into force of the American Convention on Human Rights and of the creation of the Inter-Ame-

rican Court of Human Rights: Facts and Figures” that was elaborated with the support of the “Regional International Law and Access to Justice in Latin America – DIRAJus” Program of the German cooperation (GIZ). This concise but detailed publication aims to raise awareness, through a selection of data and figures, on both the instrumental and institutional evolution of the Inter-American Court in its performance of its functions. For that purpose, the publication offers a brief history of the Inter-American Human Rights System, a description of the most memorable dates and relevant statistics that best illustrate the activities of the Court, demonstrating its unceasing effort to strengthen its management. In addition some decisions of the Court (contentious cases as well as advisory opinions) that are considered emblematic for their diversity, reach and transcendence of jurisprudential contributions to regional justice are outlined.

On behalf of the Court, we hope that this compilation of facts and figures will encourage the reader to learn more about the work that the Court has carried out throughout its 40 years of existence to serve people of the Americans in the search for justice. Furthermore, we hope that this document will also be of interest to all those people from other regions who would like to have a general insight into the work of the Court within the Inter-American System, its jurisprudence, transcendence and contribution to the development of Human Rights.

Judge Eduardo Ferrer Mac-Gregor Poisot
President of the Inter-American Court of Human Rights



The idea of human rights is based on the fundamental commitment of States to “the inherent dignity of all members of the human family” as the Universal Declaration of Human Rights proclaims. Adopted by the General Assembly of the United Nations in 1948, the UN Declaration is a milestone in the history of human rights. For 70 years now, it sets a common standard of achievements and duties for all peoples and all nations. The Universal Declaration has given rise to a range of other international and regional agreements, such as the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

Working towards a world in which all people can exercise their fundamental rights is an important imperative, also in the framework of the Sustainable Development Goals. Regional human rights treaties and instruments are contributing towards the aim of access to justice. These treaties and their protection mechanisms have contributed to important changes in the laws of many countries. They are also becoming particularly important for the work of judges, prosecutors and lawyers, who may have to apply them in the exercise of their professional duties.

Protecting and strengthening human rights plays also an important role for Germany in its development policy. Human rights are universal. That is why we are committed, together with our partner countries in the Americas, to protecting people from violations of their rights and basic freedoms. Through our regional project “Regional International Law and Access to Justice – DIRAJus” the German Federal Ministry for Economic Cooperation and Development (BMZ) supports the efforts of regional human rights bodies in the Americas.

It is therefore our pleasure and honor to contribute to the publication of this booklet, intended to celebrate the 40th anniversary of the entry into force of the American Convention on Human Rights and to increase knowledge about this Convention.

Dr. Christiane Bögemann-Hagedorn
 Director Latin America

German Federal Ministry for Economic Cooperation and Development (BMZ)

A BRIEF HISTORY

The American Convention on Human Rights (ACHR), also known as the “Pact of San José, Costa Rica” is an international treaty adopted within the Organization of American States (OAS). The Convention was adopted at the Inter-American Specialized Conference on Human Rights in 1969 and entered into force in 1978. This year (2018), the American Convention is celebrating its 40th anniversary since it entered into force.

The origins of the Convention, can be traced back numerous years. At the end of World War II, the American nations assembled in Mexico and decided that a declaration on human rights should be drafted, which would lay the foundations for a convention. In 1948, the American Declaration of the Rights and Duties of Man was adopted. It represents the first general instrument in the field of human rights, as it was adopted months before the Universal Declaration. The same year, the Charter of the Organization of American States was approved, which establishes said organization.

Full respect for human rights appears in several sections of the OAS Charter, which establishes the Inter-American Commission on Human Rights as the principal organ of the OAS for the protection and promotion of human rights. The Commission is based in Washington, D.C. (USA) It is composed of seven independent experts who are elected for four year terms by the OAS General Assembly and can be re-elected once. Furthermore, it is supported by a Secretariat, headed by a Executive Secretary General.

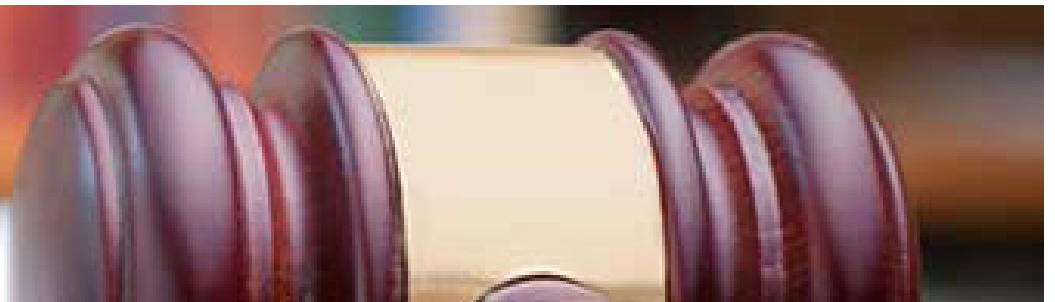
In 1967, a draft American Convention on Human Rights was submitted to the member states of the OAS. The final text of the Convention was adopted at the Inter-American Specialized Conference on Human Rights,

which took place in San José, Costa Rica, in 1969. The Convention came into force after instrument of ratification was deposited on July 18, 1978.

The Convention’s importance does not only lie in the scope of the fundamental rights that it protects, but also in the institutional system of protection it establishes to examine alleged violations and to ensure that States parties to the American Convention on Human Rights comply with their obligations under the Convention. The Convention established the creation of the Inter-American Court of Human Rights. On September 3, 1979 the Court officially began to carry out its duties. At present, 23 members states of the OAS have ratified the ACHR and 20 States have accepted the Court’s contentious jurisdiction.

Under the American Convention, the Court exercises (a) contentious functions, (b) advisory functions, and (c) is empowered to order provisional measures. Its contentious function also includes the monitoring of compliance with its judgments. The Court is composed of seven judges elected for a term of six years by the States parties to the ACHR. The judges may only be re-elected once. The judges of the Court elect their President and Vice-President. The Court is based in San José, Costa Rica. The judges are supported in the exercise of their functions by the Court’s Secretariat, which is headed by a Secretary.

The current Inter-American System of Human Rights is made up of two bodies: The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Each organ of the Inter-American System has different functions and mandates. The Commission is a quasi-judicial organ, while the Court is an eminently judicial organ. The Co-



mission has a broader and more general function of disseminating and promoting human rights, as well as reporting violations or analyzing the general human rights situation in the region or in a specific country.

For a case to be considered by the Court, it must first be submitted by the Inter-American Commission or a State. This means that there is no direct access for victims to the proceedings at the Inter-American Court. The victims must first file a petition before the Commission which may then issue a Merits Report with recommendations. If these recommendations are not followed by the State, the case can be submitted to the Court.

During the past 40 years, the Court has delivered many important judgments. Its rulings are binding on the States that have accepted its jurisdiction and have required governments to amend their legislation and administrative practices in many fields. The issues that the Court has considered in its judgments include, among others, the right to life, torture, enforced disappearances, the death penalty, due process guarantees and judicial protection, consular protection, freedom of thought and expression and their protection *vis a vis* others rights, access to information, the rights of the child and the family, women's rights, and political rights. Recently, the Court has considered new issues, such as the principle of non-discrimination in relation to sexual orientation, in vitro fertilization, modern slavery and human trafficking, and the rights of indigenous peoples, including their rights to prior consultation, among many others. Through the Court's case law, the American Convention on Human Rights has become a dynamic instrument that addresses new social challenges and fosters the rule of law and democracy in the Americas.

The Court monitors respect for the human rights of more than 550 million people who live in the 20 States parties to the ACHR that currently have accepted its jurisdiction.

KEY DATES IN 40 YEARS

KEY DATES IN 40 YEARS

May 2, 1948

Adoption of the American Declaration of the Rights and Duties of Man by the Ninth International Conference of American States, a milestone that marks the birth of the Inter-American System of Human Rights. It constitutes the first international human rights instrument of a general nature.

August 12 to 18, 1959

Creation of the Inter-American Commission on Human Rights (IACHR) by resolution of the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago de Chile. In this way, the Inter-American Commission on Human Rights was the only organ of the Inter-American System responsible for the promotion and protection of human rights.

November 22, 1969

Adoption of the American Convention on Human Rights, also known as “Pact of San José, Costa Rica”. The Convention represents a fundamental pillar of the Inter-American System, as it gave rise to the Inter-American Court of Human Rights.

July 18, 1978

Entry into force of the American Convention on Human Rights “Pact of San José, Costa Rica”.

May 22, 1979

Election of the first judges of the Inter-American Court of Human Rights by the State Parties during the Seventh Special Session of the OAS General Assembly.

June 29 and 30, 1979

First meeting of the newly elected judges at OAS headquarters in Washington, D.C. At that meeting, the first President and Vice-President of the Court were elected, namely Rodolfo Piza Escalante and Máximo Cisneros Sánchez.

September 3, 1979

The inauguration of the Court was held in San José, Costa Rica. At the Sixth Special Session of the OAS General Assembly in November 1978, the States parties to the Convention decided to accept the Costa Rican Government’s formal offer to establish the Court’s headquarters in its country.

September 3 to 14, 1979

First Regular Session of the Court.

October 20 to 30, 1979

The Statute of the Court was adopted at the Ninth Regular Session of the OAS General Assembly.

June 16 to 18, 1980

First Special Session of the Court.

July 30 to August 9, 1980

During its Third Regular Session, the Court adopted its Rules of Procedure.

July 30, 1980

The Inter-American Court and the Government of Costa Rica signed an agreement which created the Inter-American Institute of Human Rights, dedicated to teaching, research and the promotion of human rights.

September 10, 1981

The Government of Costa Rica and the Court signed a Headquarters Agreement, which makes provision for the immunities and privileges of the Court, its judges, its staff and those persons who appear before it.

September 24, 1982

The Court issues its first advisory opinion regarding “Other treaties” subject to the consultative jurisdiction of the Court.

July 29, 1988

The Court issued a landmark judgment on the merits of its first contentious case, *Velásquez Rodríguez v. Honduras*, in which for the first time an international court established the constituent elements of forced disappearances, eight years before the entry into force of the Inter-American Convention on the Forced Disappearance of Persons.

May 9 to 13, 2005

The Court held a session outside its headquarters, for the first time. The session took place in Asunción, Paraguay, during the 28th Special Session of the Court. The sessions held outside of the Court's headquarters are a very important mechanism for the people of each country to directly observe the Court's work.

January 1, 2010

Entry into force of the new Rules of Procedure of the Court, which were adopted during the 85th Ordinary Session of the Court, which took place from November 16 to 28, 2009. Among the principal reforms, the new Rules of Procedure strengthened the ability for alleged victims to participate in the process. The alleged victim became the direct guard of its interests in their case channeled through their legal representative. Furthermore, the principles of adversarial proceedings, the equality of arms and the balance of power between parties were strengthened. In this respect, two new mechanisms were introduced to facilitate access to the Inter-American justice system for victims, and to guarantee that those who lack sufficient economic means or do not have a legal representative can bring their case before the Inter-American Court: the Legal Assistance Fund for Victims and the Inter-American Public Defender. With the aim of giving effect to the figure of the Inter-American Public Defender, a Memorandum of Understanding, signed by the Court with the Inter-American Association of Public Defenders (AIDEF), entered into force the same day.

June 1, 2010

Entry into force of the Rules for the Operation of the Victims' Legal Assistance Fund.

April 21, 2012

A delegation of judges of the Court conducted an official inspection of the place where the facts of a contentious case submitted to its jurisdiction,

The delegation of the Court was accompanied by representatives of the Commission and of the State during their visit to Sarayaku village.

January 2015

A Unit within the Court's Secretariat came into operation, dedicated exclusively to monitor compliance with its judgments in order to adequately accompany the States and the representatives of the victims in the process of complying with the Court's judgements, as well as the due implementation of the ordered reparations.

March 24, 2015

Beginning of the digitization of the Court's internal and external communications: introduction of the digital file and the electronic transfer of documents.

June 19, 2015

The Court released a series of "cuadernillos de jurisprudencia". These are a number of publications which aim to disseminate the international standards of the Inter-American Court concerning diverse topics, such as women's rights, enforced disappearances and indigenous rights, among others. The goal is to facilitate the study, analysis and dissemination of the jurisprudence of the Inter-American Court of Human Rights. Electronic versions of these publications can be found on the website of the Court.

August 28, 2015

In Honduras, the Court held for the first time hearings to monitor the implementation of its judgments on the territory of the same State which had been the declared responsible.

February 9, 2016

For the first time, an Opening Ceremony of the Inter-American judicial year took place with broad attendance. In addition, an international seminar, titled "San José: the capital of human rights", was held, which counted on the participation of international and national judges, high national authorities, experts, lawyers, students, among others.

February 2016

The Digesto was launched at the website of the Inter-American Court. The Digesto compiles, from a normative perspective, all the pronouncements

of the Court that constitute an international standard, thereby creating a kind of “Detailed Convention”. The Digesto contains all the relevant legal pronouncements of the IACourtHR regarding a particular article of the Convention, classified by thematically related legal concepts, starting with the most abstract pronouncements moving towards the most concrete ones.

April 20 to 22, 2017

The Court, the Judicial Integrity Group and the Ibero-American Commission on Judicial Ethics held an international conference on “Judicial Ethics and the Fight against Corruption: Judicial Independence, Judicial Responsibility and the Role of Specialized Organizations under objective 16 of the 2030 Agenda”.

November 13 to 24, 2017

During the Court’s 120th Regular Session, the judges Eduardo Ferrer Mac-Gregor Poisot and Eduardo Vio Grossi were elected President and Vice-President, respectively, for the period 2018-2019. Their mandate started on January 1, 2018.

December 4 to 5, 2017

The Inter-American Commission on Human Rights and the Court held the First Forum of the Inter-American Human Rights System at the headquarters of the Commission in Washington, D.C.



PRESIDENTS OF THE COURT







PRESIDENTS OF THE COURT 1979-2019

PERIOD 2018-2019		Eduardo Ferrer Mac-Gregor Poisot
PERIOD 2016-2017		Roberto de Figueiredo Caldas
PERIOD 2014-2015		Humberto Sierra Porto
PERIOD 2010-2013		Diego García-Sayán
PERIOD 2008-2009		Cecilia Medina Quiroga
PERIOD 2004-2007		Sergio García Ramírez
PERIOD 1999-2003		Antônio Augusto Cançado Trindade
PERIOD 1997-1999		Hernán Salgado Pesantes
PERIOD 1994-1997		Héctor Fix Zamudio
PERIOD 1993-1994		Rafael Nieto Navia
PERIOD 1990-1993		Héctor Fix Zamudio
PERIOD 1989-1990		Héctor Gros Espiell
PERIOD 1987-1989		Rafael Nieto Navia
PERIOD 1985-1987		Thomas Buergenthal
PERIOD 1983-1985		Pedro Nikken
PERIOD 1981-1983		Carlos Roberto Reina
PERIOD 1979-1981		Rodolfo E. Piza Escalante

CURRENT COMPOSITION OF THE COURT



Official photograph june 2018¹

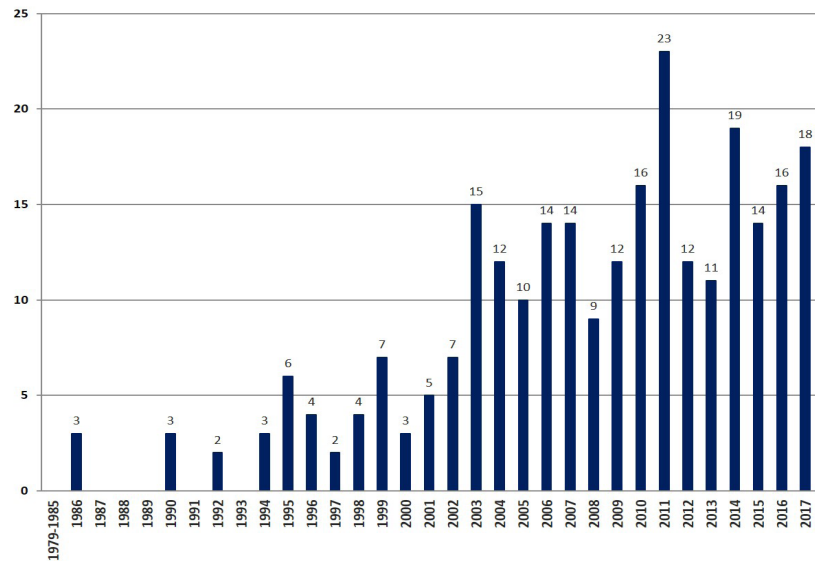
	Eduardo Ferrer Mac-Gregor Poisot President
	Eduardo Vio Grossi Vice-President
	Humberto Sierra Porto Judge
	Elizabeth Odio Benito Judge
	Eugenio Raúl Zaffaroni Judge
	Patricio Pazmiño Freire Judge

¹In front from left to right: Judge Humberto Antonio Sierra Porto; Judge Eduardo Vio Grossi, Vice-President; Judge Eduardo Ferrer Mac-Gregor Poisot, President; Judge Elizabeth Odio Benito. Behind from left to right: Judge Eugenio Raúl Zaffaroni and Judge Patricio Pazmiño Freire.

STATISTICAL INFORMATION

GRAPHIC 1

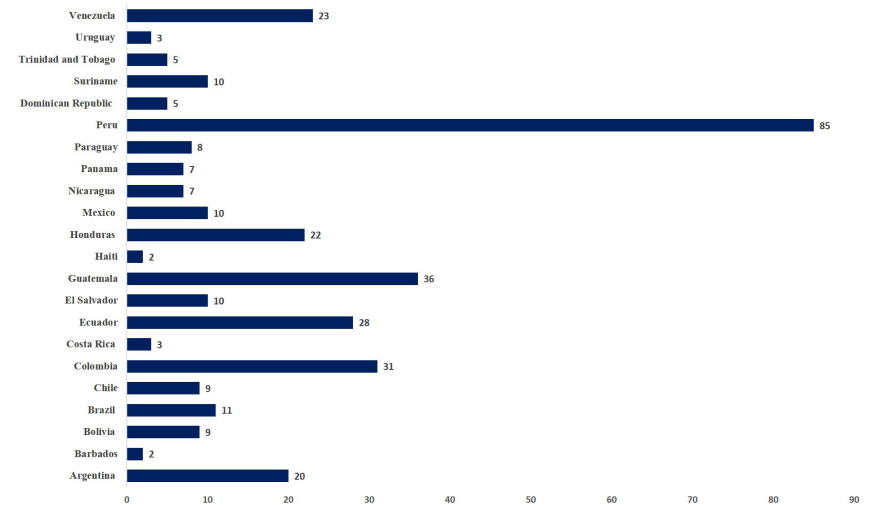
Submission of contentious cases to the IACourtHR (1979-2017)



Source: Consultation of the IACourtHR's Annual Reports until 2017.

GRAPHIC 2

Judgments by State (1979-2017)



Source: Review of Contentious Cases on the website of the Inter-American Court until 02/2018. The number of judgments does not necessarily correspond to the number of contentious cases. In the same case, the Inter-American Court can issue different types of judgments (preliminary objections, merits, reparations and interpretation of judgments).

Forms of reparation of the IACourtHR

1-Restitution measures: restoration, as far as possible, of the situation prior to the violation (e.g. reinstatement of the freedom of illegally detained persons, reinstatement of prior employment, return of displaced or exiled persons, render ineffective internal decisions, elimination of judicial and/or administrative records, return or restitution of property, and restitution, demarcation, and allocation of title of indigenous communal property).

2-Rehabilitation measures: provide victims with medical, psychological and/or psychiatric care.

3-Measures of satisfaction: acts or works of public scope or impact oriented to the commemoration of the victims or the facts of the case, the recognition of their dignity and the consolation of their relatives (e.g. determining the whereabouts of disappeared persons, identification and delivery of their remains, public act of acknowledgment of international responsibility, publication and dissemination of the judgment of the Inter-American Court, monuments, plaques or public spaces commemorating the victims or facts, awarding victims with scholarships or vocational training, granting housing for victims, and community development plans).

4-Guarantees of non-repetition: measures aimed at preventing the recurrence of human rights violation, such as those that occurred in the cases that were the subject of the Court's consideration (e.g. modification of legal norms or practices of the States that are contrary to the Convention, issuance of legal norms or development of practices to protect and guarantee human rights, training in human rights for state officials, and awareness, education or dissemination of human rights to society).

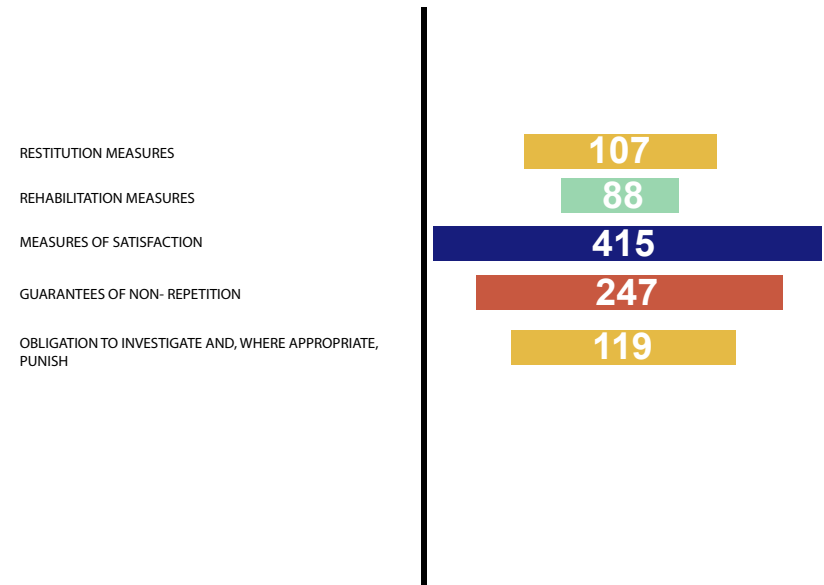
5-Obligation to investigate, prosecute and, where appropriate, punish those responsible for human rights violations held in the cases.

6-Compensation for material and immaterial damage and reimbursement of costs and expenses.

Source: Secretariat of the Inter-American Court of Human Rights.

GRAPHIC 3

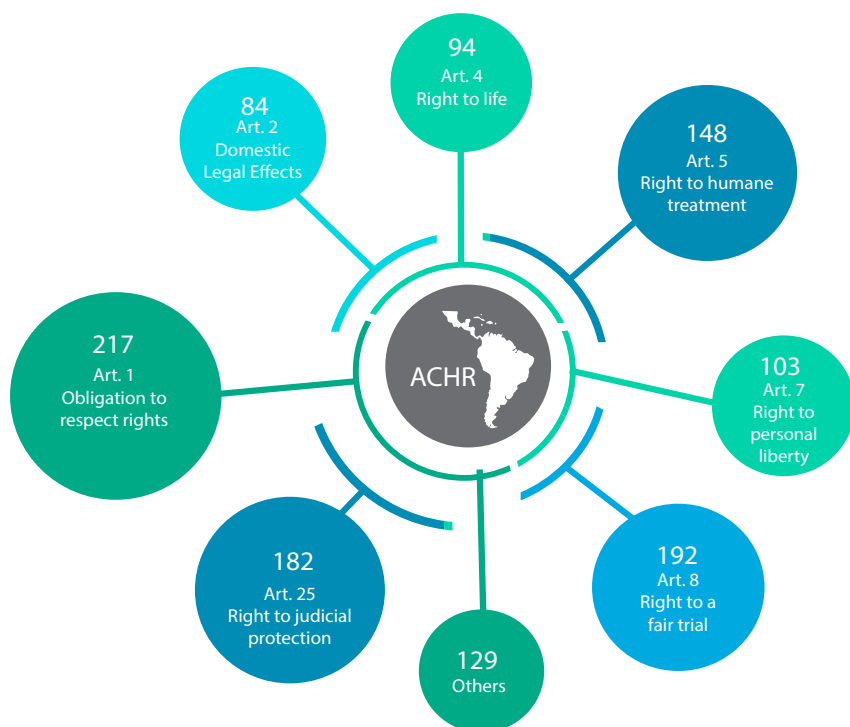
Non-pecuniary measures of reparation ordered by the Court (1979-2017)²



²The Court has ordered reparations in a total of 219 contentious cases until 2017. In each judgment, the Court orders multiple measures of reparation.

IMAGE 1

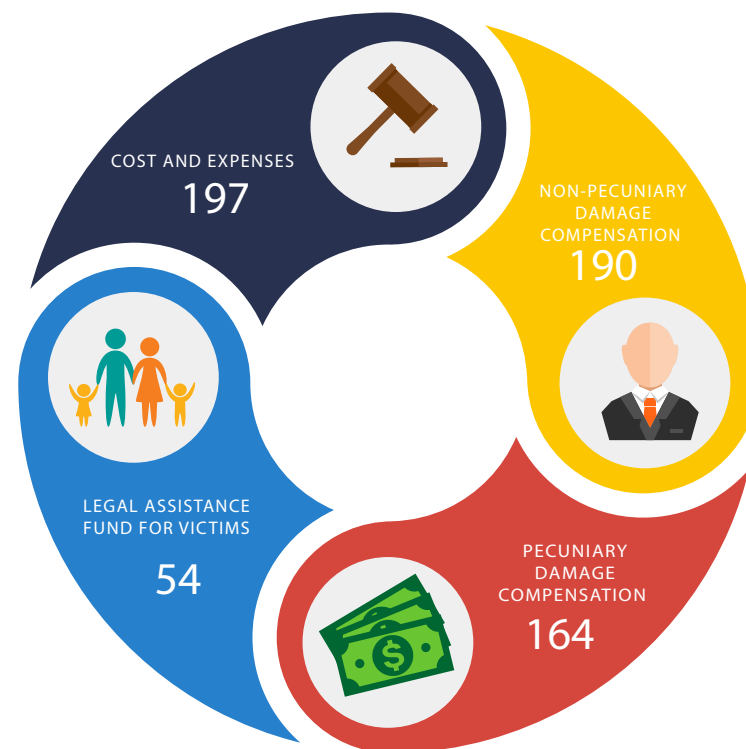
Approximate figures on the violation of articles of the Convention according to the Court's jurisprudence (1979-2018)



Source: Review of the judgments on merits of the Inter-American Court from 1979 to June 2018. Jurisprudential concepts such as access to justice (Art. 8, 25, 1.1 ACHR) or forced disappearance (Art. 4, 5, 7, 1.1 ACHR) were accounted for individually in each of the judgments analyzed.

IMAGE 2

Compensation and payments ordered by the Court (1979 -2017)³



Source: Secretariat of the Inter-American Court of Human Rights.

³The Legal Assistance Fund for Victims began operating in 2010.

IMAGE 3

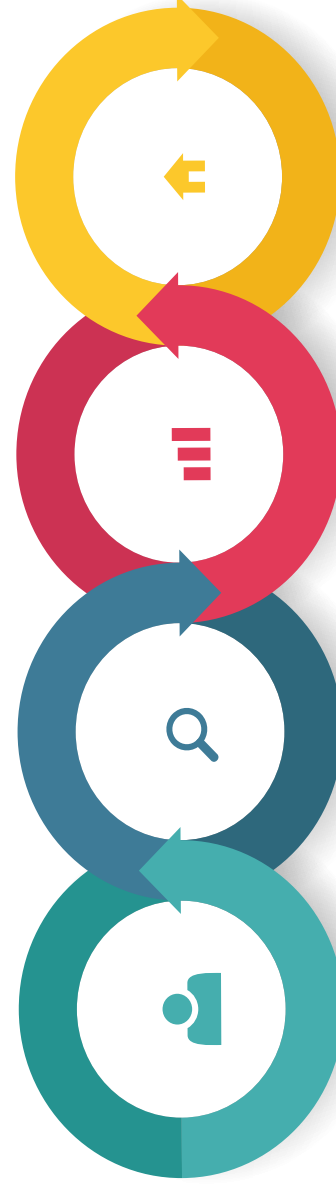
Types of resolutions of the Court (1979-2018)



Source: Information from the website of the Inter-American Court until June 2018.

IMAGE 4 DIGESTO

The Digesto is a systematic compilation of the pronouncements in the contentious jurisprudence of the Inter-American Court that concretize the normative criteria of the articles of the American Convention of Human Rights, beginning with the most abstract pronouncements and moving on to the most concrete ones (logic of THEMIS).



What is the DIGESTO for?

The systematization of pronouncements according to the THEMIS logic makes it possible to quickly and easily understand the results of the interpretative work carried out by the Inter-American Court in relation to the ACHR, without having to review the judgments one by one.

The tool is a joint effort of the Legal Area of the IACourtHR and of the Regional International Law and Access to Justice in Latin America (DIRAJus) program of the German Cooperation / GIZ.

Currently there are the digests for arts. 1, 2, 8 and 25 of the ACHR, which are the articles that most relate to access to justice. As of June 2018, more than 28.706 entries have been counted on the platform.

Access to the DIGESTO

From the website of the IACourtHRt

<http://corteidh.or.cr> Option: Jurisprudence

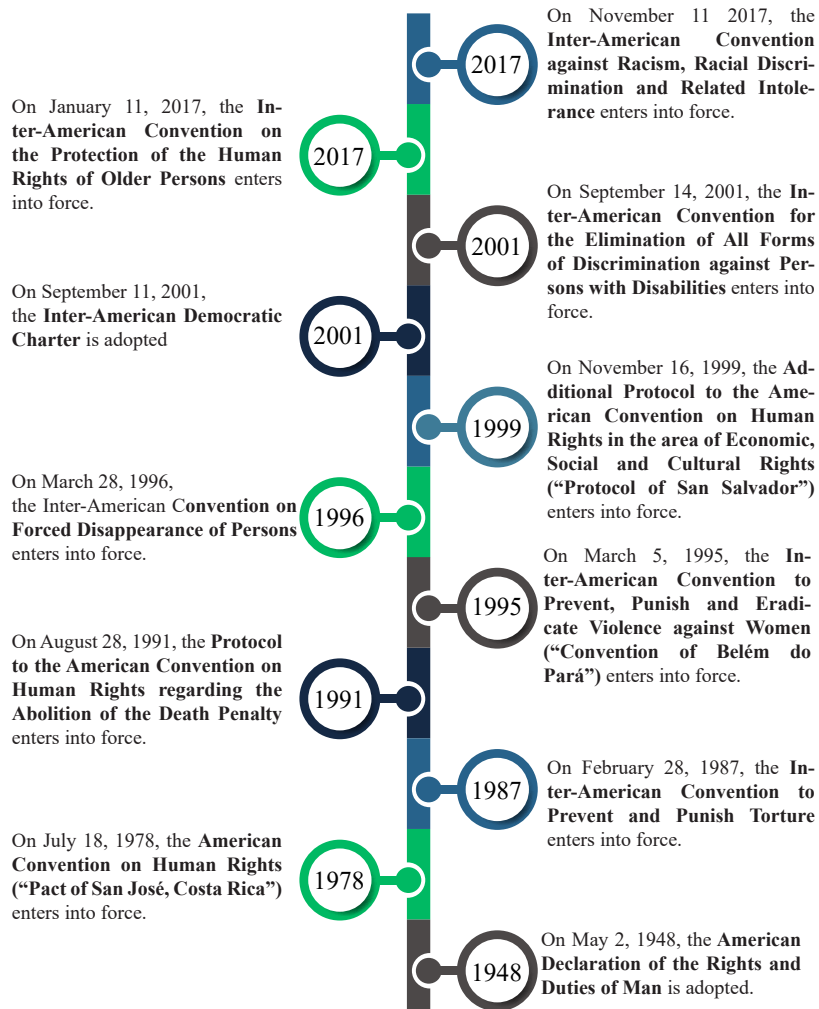
Or using the following link:

<http://www.corteidh.or.cr/cf/themis/digesto/>

Source: Information provided by the DIRAJus project.

IMAGE 5

Regional instruments for the protection and promotion of human rights

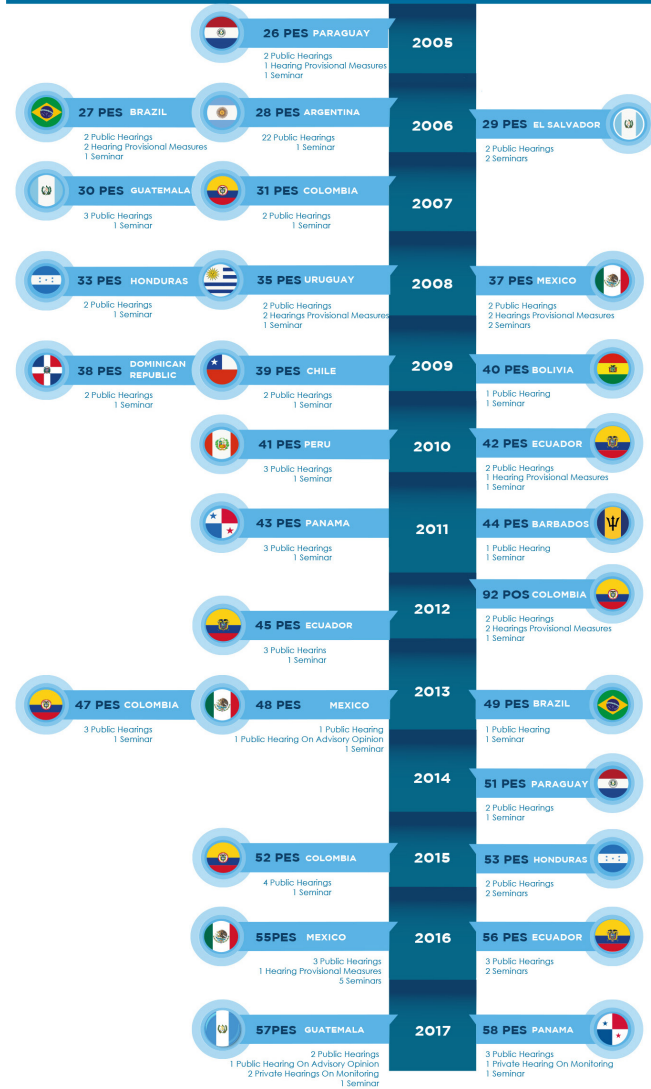


Source: OAS website.

IMAGE 6

SESSIONS OF THE I/A COURT AWAY FROM ITS SEAT

From 2005 to 2017



Source: Information provided by the Secretariat of the Inter-American Court of Human Rights.

TABLE 1
Advisory Opinions (1982-2017)⁴

Year	Quantity	Name
1982	2	“Other Treaties” subject to the consultative jurisdiction of the Court (Art. 64 American Convention on Human Rights). The Effect of Reservations on the Entry into Force of the American Convention on Human Rights (Arts. 74 and 75).
1983	1	Restrictions to the Death Penalty (Arts. 4.2 and 4.4 American Convention on Human Rights).
1984	1	Proposed Amendments of the Naturalization Provisions of the Constitution of Costa Rica.
1985	1	Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights).
1986	2	The Word "Laws" in Article 30 of American Convention on Human Rights. Enforceability of the Right to Reply or Correction (Arts. 14(1), 1(1) and (2) American Convention on Human Rights).
1987	2	<i>Habeas corpus</i> in Emergency Situations (Arts. 27(2), 25(1) and 7(6) American Convention on Human Rights). Judicial Guarantees in States of Emergency (Arts. 27.2, 25 and 8 American Convention on Human Rights).
1989	1	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.
1990	1	Exceptions to the Exhaustion of Domestic Remedies (Arts. 46(1), 46(2)(a) and 46(2)(b) American Convention on Human Rights).
1991	1	Compatibility of Draft Legislation with Article 8(2)(h) of the American Convention on Human Rights.
1993	1	Certain Attributes of the Inter-American Commission of Human Rights (Arts. 41, 42, 44, 46, 47, 50 and 51 of the American Convention on Human Rights).

⁴Function by which the Court responds to consults requested by States Member or certain bodies of the OAS on the interpretation of the American Convention or other treaties concerning human rights protections. Additionally, at the request of a Member State of the OAS, the Court may produce its opinion on the compatibility of internal norms with instruments of the Inter-American System.

Year	Quantity	Name
1994	1	International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 American Convention on Human Rights).
1997	1	Reports of the Inter-American Commission of Human Rights (Art. 51 American Convention on Human Rights).
1999	1	The Right to Information on Consular Assistance in the Framework of the Guarantees to Due Process of Law.
2002	1	Juridical Condition and Human Rights of the Child.
2003	1	Juridical Condition and Rights of Undocumented Migrants.
2005	1	Control of due process in the exercise of the powers of the Inter-American Commission of Human Rights (Arts. 41 and 44 to 51 of the American Convention on Human Rights).
2009	1	Article 55 of the American Convention on Human Rights.
2014	1	Rights and guarantees of children in the context of migration and/or in need of international protection.
2016	1	Entitlement of legal entities to hold rights under the Inter-American Human Rights System (interpretation and scope of Article 1.2, in relation to Articles 1.1, 8, 11.2, 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62.3 of the American Convention on Human Rights, as well as of Article 8.1(a) and (b) of the Protocol of San Salvador).
2017	2	The Environment and Human Rights (State obligations relating to the environment in the context of the protection and guarantee of the rights to life and personal integrity – interpretation and scope of Articles 4.1 and 5.1, in relation to 1.1 and 2 of the American Convention on Human Rights). Gender identity and equality and non-discrimination with regard to same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1.1, 3, 7, 11.2, 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights).

**EMBLEMATIC JUDGMENTS
AND ADVISORY OPINIONS
PRONOUNCED BY THE COURT
(1979-2017)**

CONTENTIOUS CASES

CONTENTIOUS CASE	DATE OF THE JUDGMENT (MERITS)	VIOLATED ARTICLES	FACTS
Case of Velásquez Rodríguez v. Honduras. Merits. Series C No. 4	July 29, 1988	Violation of Articles 4 (Right to Life); 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty), all read in conjunction with Article 1.1.	Kidnapping, torture, death and the forced disappearance of the victim (student of the National Autonomous University of Honduras) by State agents on September 12, 1981. The courts did not carry out the necessary investigation to find the victim.
Case of Aloeboetoe et al. v. Suriname. Merits. Series C No. 11	December 4, 1991	The Court took note that Suriname accepted its responsibility and decided that there was no longer a controversy regarding the facts that gave rise to the case. The Court decided to leave open the proceedings on reparations and costs.	On December 31, 1987, members of the armed forces detained Daison Aloeboetoe, Dedemenu Aloeboetoe, Mikuwendje Aloeboetoe, John Amoida, Richenel Voola, Martin Indisie Banai and Beri Tiopo. Richenel Voola was shot by the soldiers when he tried to escape. A short time later, the other six were killed by the soldiers.
Case of the "Street Children" (Villagrán-Morales et al.) v. Guatemala. Merits. Series C No. 63	November 19, 1999	Violation of Articles 4 (Right to Life), 5.1 and 5.2 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8.1 (Right to a Fair Trial), 19 (Rights of the Child) and 25 (Right to Judicial Protection), all read in conjunction with Article 1.1, and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.	On June 15, 1990, Henry Giovanni Contreras, 18 years old, Federico Clemente Figueroa Túnchez, 20, Julio Roberto Caal Sandoval, 15, and Jovito Josué Juárez Cifuentes, 17, were killed by members of the police. On June 25, 1990, Anstraum Aman Villagrán Morales was killed. There were no adequate investigations and those responsible were not punished.

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Case of "The Last Temptation of Christ" (Olmedo Bustos et al.) v. Chile. Merits, Reparations and Costs. Series C No. 73	February 5, 2001	Violation of Article 13 (Freedom of Thought and Expression) read in conjunction with Articles 1.1 and 2.	On November 29, 1988 the Cinematographic Classification Council refused to allow the screening of the movie "The Last Temptation of Christ". On November 17, 1999, the Chamber of Deputies passed a constitutional reform bill that would eliminate prior censorship of the exhibition and advertising of the cinematographic production. However, two years later the law still had not been adopted.
Case of Barrios Altos v. Peru. Merits. Series C No. 75	March 14, 2001	The Court took note that the State accepted responsibility and declared that the following articles had been violated: 4 (Right to Life), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection), all read in conjunction with Articles 1.1 and 2.	On November 3, 1991, six soldiers attacked a building in the neighborhood of Barrios Altos, as a result of which 15 people died and four were gravely injured. The Peruvian Congress passed an amnesty law, which exonerated soldiers, police and even civilians from responsibility for any human rights violations or the participation in such violations committed between 1980 and 1995. There were no adequate investigations and those responsible were not punished.

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Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations and Costs. Series C No. 79	August 31, 2001	Violation of Articles 21 (Right to Property) and 25 (Right to Judicial Protection) both read in conjunction with Articles 1.1 and 2.	In March 1992, the Awas Tingni indigenous community signed a contract with the MADENSA company with the purpose of determining the integral management of the forest. Two years later, the community, MADENSA and the Ministry of Environment and Natural Resources of Nicaragua signed an agreement whereby the Ministry agreed to facilitate the determination of communal lands of the Community. In March 1996, the State gave a 30 years license for the management and utilization of approximately 62,000 hectares to the SOLCARSA company without consulting the Community. The Community requested various State bodies to halt the awarding of the license and to demarcate its territory. None of its requests received a response. The Community also presented two writs of amparo, neither of which were resolved positively.
Case of the "Five Pensioners" v. Peru. Merits, Reparations and Costs. Series C No. 98	February 28, 2003	Violation of Articles 21 (Right to Property) and 25 (Right to Judicial Protection), both read in conjunction with Articles 1.1 and 2.	On February 26, 1974, the Decree-Law N° 20530, entitled "Pension and Compensation Regime for Civil Service to the State not covered by Decree-Law 19990" was issued. Carlos Torres Benvenuto, Javier Mujica Ruiz-Huidobro, Guillermo Álvarez Hernández, Reymert Bartra Vásquez and Maximiliano Gamarra Ferreyra had worked in the Superintendency of Banks and Insurances (SBS) and left after serving in the public administration for more than 20 years. SBS staff were included in the public sector labor regime until a law in 1981 dictated that they would be included in the labor regime of the private sector, except for those workers opting to continue under Decree-Law 20530. The five persons chose to

			continue under the regime of Decree-Law 20530 by which the State recognized the right to a pension. In April 1992, the SBS suspended the payment of the pension of Mr. Bartra and reduced the amount of the pensions of the other claimants by approximately 78%, without any prior notice or explanation.
Case of the Plan de Sánchez Massacre v. Guatemala. Merits. Series C No. 105	April 29, 2004	The Court took note that the State accepted responsibility and held that the following articles were violated: 5.1 and 5.2 (Right to Humane Treatment), 8.1 (Right to a Fair Trial), 11 (Right to Privacy), 12.2 and 12.3 (Freedom of Conscience and Religion), 13.2.a and 13.5 (Freedom of Thought and Expression), 16.1 (Freedom of Association), 21.1 and 21.2 (Right to Property), 24 (Right to Equal Protection) and 25 (Right to Judicial Protection), all read in conjunction with Article 1.1.	On July 18, 1982, a military command entered Rabinal, a municipality inhabited by members of the Mayan people. The inhabitants were mistreated, raped and murdered. Boys and the remaining girls were separated and beaten to death and 268 persons were executed in the massacre. There were no adequate investigations and those responsible were not punished.
Case of Almonacid Arellano et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Series C No. 154	September 26, 2006	Violation of Articles 8.1 (Right to a Fair Trial) and 25 (Right to Judicial Protection), both read in conjunction with Articles 1.1 and 2.	Luis Alfredo Almonacid Arellano was a primary school teacher and a member of the Communist Party. He was detained on September 16, 1973, by policemen who shot him in the presence of his family at the entrance of his house. He died the following day. Decree-Law N°2.191 was adopted in 1978, which provided for an amnesty to all of those who had committed criminal acts between 1973 and 1978. Because of this law, there was no adequate investigation into the death of Mr. Arellano nor were those responsible punished.

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Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Series C No. 205	November 16, 2009	The Court accepted that the State partially recognized its responsibility and held the violation of the following rights: 4.1 (Right to Life), 5.1 and 5.2 (Right to Humane Treatment), 7.1 (Right to Personal Liberty), 8.1 (Right to a Fair Trial), 19 (Rights of the Child) and 25.1 (Right to Judicial Protection), all read in conjunction with Articles 1.1 and 2. In addition, Article 7.b and 7.c of the Convention of Belém do Pará.	Laura Berenice Ramos, 17 years old, disappeared on September 22, 2001. Claudia Ivette González disappeared on October 10, 2001, Esmeralda Herrera Monreal, 15 years old, disappeared on October 29, 2001. Their families denounced the disappearances but there were no adequate investigations. The authorities only registered the disappearances, prepared posters, took declarations and sent an official letter to the Judicial Police. On November 6, 2001, the bodies of Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos, which showed signs of sexual violence, were found. In spite of the legal recourses presented by their families, there were no adequate investigations nor were those responsible punished.
Case of Atala Riffo and daughters v. Chile. Merits, Reparations and Costs. Series C No. 239	February 24, 2012	Violation of Articles 8.1 (Right to a Fair Trial), 11.2 (Right to Privacy), 17.1 (Rights of the Family), 19 (Rights of the Child) and 24 (Right to Equal Protection), all read in conjunction with Article 1.1.	In 2002, Karen Atala Riffo decided to end her marriage to Ricardo Jaime López Allendes, with whom she had three daughters: M., V. and R. In November 2002, Ms. Emma de Ramón, the partner of Mrs. Atala, began to live in the same house with Mrs. Atala and her three daughters. In January 2003, the father of the three children filed a custody suit with the Juvenile Court of Villarrica. This Court rejected the petition in October 2003. In March 2004, the Appeals Court of Temuco confirmed the decision. In May 2004, the Fourth Chamber of the Supreme Court of Chile accepted the petition of Mr. López Allendes and granted him permanent custody.

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Case of Artavia Murillo et al. (in vitro fertilization) v. Costa Rica. Preliminary Objections, Merits, Reparations and Costs. Series C No. 257	November 28, 2012	Violation of Articles 5.1 (Right to Humane Treatment), 7 (Right to Personal Liberty), 11.2 (Right to Privacy), and 17.2 (Rights of the Family) all read in conjunction with Article 1.1.	On April 7, 1995 a writ of unconstitutionality was filed against Executive Decree N° 24029-S, which authorized in vitro fertilization. On March 15, 2000, the Constitutional Chamber of the Supreme Court declared the Decree unconstitutional. Nine couples denounced this situation to the Inter-American Commission. The petitioners presented evidence regarding: i) the causes of infertility in each couple, ii) the treatments that the couples had received to remedy the situation, iii) the reasons why they chose in vitro fertilization, iv) the cases in which the treatment was stopped because of the decision of the Constitutional Chamber and v) the cases in which the couples had to leave the country in order to receive the treatment.
Case of expelled Dominicans and Haitians v. Dominican Republic. Preliminary Objections, Merits, Reparations and Costs. Series C No. 282	August 28, 2014	Violation of the Rights to Juridical Personality (Article 3), Nationality (Article 20), a Name (Article 18), as well as for the combination of these violations the Right to Identity, Personal Liberty (Article 7), Freedom of Movement and Residence (Article 22.1, 22.5 and 22.9), Right to a Fair Trial (Article 8.1), Right to Judicial Protection (Article 25.1), Rights of the Family (Article 17.1), Right to Privacy in relation to the prohibition of arbitrary interferences in one's private and family life (Article 11.2), all read in conjunction with Article 1.1.	The case relates to the arbitrary detention and summary expulsion of various persons from the territory of the Dominican Republic, including children. The facts of the case occurred in a context in which, in the Dominican Republic, the Haitian population and persons born in the Dominican territory from Haitian ascendance commonly faced poverty and often suffered pejorative or discriminatory treatment, even by authorities, which aggravated their vulnerable situation.

Case of the Rural Community of Santa Bárbara v. Peru. Preliminary Objections, Merits, Reparations and Costs. Series C No. 299	September 1, 2015	Violation of the Rights to Personal Liberty, Humane Treatment, Life, Juridical Personality, Right to a Fair Trial and Right to Judicial Protection, Articles 7, 5.1, 5.2, 4.1, 3, and Articles 21, 8.1 and 25.1, all read in conjunction with Article 1.1 of the American Convention, and in conjunction with Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, and with Article 1b of the Inter-American Convention on Forced Disappearance of Persons.	The case relates to the forced disappearance of 15 persons, a majority of whom belong to two families, among them 7 children aged between 8 months and 7 years. The crimes were committed by members of the Peruvian army on July 4, 1991 in the community of Santa Bárbara, Huancavelica province. The facts of the case took place in the context of the Peruvian armed conflict and systematic violations of human rights, among them extrajudicial executions and forced disappearances of persons suspected to belong to armed groups outside the law.
Case of Velásquez Paiz et al. v. Guatemala. Preliminary Objections, Merits, Reparations and Costs. Series C. No. 307	November 19, 2015	Violation of the Right to Life and the Right to Humane Treatment, Violation of the Right to a Fair Trial, Right to Judicial Protection and the equality before the law, Articles 4.1 and 5.1, read in conjunction with Article 1.1 and 2 of the American Convention, Article 7 of the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women, Articles 8.1 and 25.1 of the American Convention on Human Rights, Articles 5.1 and 11 of the American Convention.	This case relates to the breach of the obligation to protect the life and personal integrity of Claudina Isabel Velásquez Paiz. As she did not return home on August 12, 2005, her parents went to denounce her disappearance, but they were told that they had to wait 24 hours to denounce the fact. The State did not adopt immediate and exhaustive measures to search and protect Claudina Isabel Velásquez Paiz in the first hours after hearing about her disappearance.

Case of Duque v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Series C No. 310	February 26, 2016	Violation of the Right to Equal Protection and Non-Discrimination laid down in Article 24 of the Convention, read in conjunction with Article 1.1.	The case relates to the exclusion of Mr. Duque from the possibility of obtaining a widow's pension after his partner's death, due to the fact that his partner was of the same sex. Likewise, a discrimination on the basis of sexual orientation was observed. Although the invoked goal of protecting the Rights of the Family was legitimate in the abstract, the unequal treatment could not be considered appropriate because the concept of family referred to by the State was "limited and stereotypical", excluding in an arbitrary way diverse forms of families such as same-sex couples.
Case of workers of the Fazenda Brasil Verde v. Brasil. Preliminary Objections, Merits, Reparations and Costs. Series C No. 318	October 20, 2016.	Violation of i) the right not to be submitted to slavery and human trafficking, established in Article 6.1 of the American Convention on Human Rights, read in conjunction with the Articles 1.1, 3, 5, 7, 11, 22 and 19 of the same instrument, ii) the Article 6.1 of the American Convention, in relation to Article 1.1 of the same instrument, committed in the context of structural and historical discrimination on grounds of one's economic position, iii) the right to a fair trial, in particular a hearing with due guarantees and within a reasonable time, as laid down in Article 8.1 of the American Convention on Human Rights, read in conjunction with Article 1.1 of the same instrument and iv) the right to judicial protection, laid down in Article 25 of the American Convention on Human Rights, read in conjunction with Articles 1.1 and 2 of the same instrument.	The case relates to the alleged omission and negligence in adequately investigating a suspected practice of forced labor and debt bondage in the Fazenda Brasil Verde, situated in the north of State Pará, as well as the suspected disappearance of two workers of this farm. Reportedly, the facts of the case are framed in a context where tens of thousands workers were subject to forced labor each year. In this context, in February 1989, March 1993, November 1996, April and November 1997 and March 2000 state authorities conducted visits and inspections in the Fazenda Brasil Verde to determine the situation of the workers.

Case of Lagos del Campo v. Peru. Preliminary Objections, Merits, Reparations and Costs. Series C No. 340	August 31, 2017	Violation of the Right to Employment Stability (Article 26 read in conjunction with Articles 1.1, 13, 8 and 16), the Freedom of Expression (Articles 13 and 8 read in conjunction with Article 1.1), the Freedom of Association (Articles 16 and 26 in conjunction with Articles 1.1, 13 and 8) and the Right to Access to Justice (Articles 8 and 25).	The case relates to the dismissal of Mr. Alfredo Lagos de Campo on June 26, 1989, allegedly as a consequence of certain statements made as president of the Electoral Committee of the Comunidad Industrial of the company Ceper-Pirelli. The Comunidad Industrial was a workers association with the goal of facilitating the workers participation in the assets and management of the company. The Electoral Committee chaired by Mr. Lagos del Campo was the entity in charge of organizing the elections of the Council of the Comunidad Industrial and the representatives before the company's directory. The statements made by Mr. Lagos del Campo aimed at reporting supposed actions of undue influence of the employers in the workers' associations in the company and in the internal elections of the Comunidad Industrial. The decision of dismissal was later confirmed by the national courts of Peru.
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ADVISORY OPINIONS			
ADVISORY OPINION	DATE OF THE ADVISORY OPINION	ARTICLES INTERPRETED	QUESTION POSED
Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism. Advisory Opinion OC-5/85 requested by the Republic of Costa Rica. Series A No. 5	November 13, 1985	Articles 13 and 29 of the American Convention on Human Rights.	Costa Rica requested the Court's opinion on the compatibility of freedom of expression and its limitations with the compulsory licensing of journalists.
The Right to Information on Consular Assistance in the Framework of the Guarantees of the due Process of Law. Advisory Opinion OC-16/99 requested by the United Mexican States. Series A No.16	October 1, 1999	Article 36 of the Vienna Convention; Articles 2, 6, 14 and 50 of the International Covenant on Civil and Political Rights; Article 3.1 of the OAS Charter and Article 11 of the American Declaration of the Rights and Duties of Man.	With regard to the Vienna Convention, Mexico requested the Court's opinion on the protection of human rights in the Americas with respect to consular relations. The matter involved the sentencing to death of foreigners and the guarantees of the rights contained in the aforementioned instruments, mainly those referring to a fair trial.
Rights and guarantees children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 requested by the Argentine Republic, the Federal Republic of Brasil, the Republic of Paraguay and the Oriental Republic of Uruguay. Series A No. 21	August 19, 2014	Articles 1.1, 2, 4.1, 5, 7, 8, 11, 17, 19, 22.7, 22.8, 25 and 29 of the American Convention on Human Rights, Articles 1, 6, 8, 25, and 27 of the American Declaration of the Rights and Duties of Man and Article 13 of the American Convention to Prevent and Punish Torture.	Argentina, Brazil, Paraguay and Uruguay consulted the Court regarding the procedures to be adopted to identify the risks suffered by migrant children, the due process guarantees that should govern immigration procedures that involve migrant children, the principle of ultima ratio, the characteristics of adequate alternative measures for the protection of migrant children, the due process guarantees that should govern immigration procedures that involve migrant children when they are deprived of their liberty, the scope of international instruments in the application of measures that may entail returning migrant children to a certain country, the scope of protection that must be given to the right of migrant children not to be separated from their parents in cases where their parents might be deported.

Entitlement to Rights of legal persons in the Inter-American System of Human Rights. Advisory Opinion OC-22/16 requested by the Republic of Panama. Series A No. 22	February 26, 2016	Interpretation and reach of Article 1.2, read in conjunction with Articles 1.1, 8, 11.2, 13, 16, 1, 24, 25, 29, 30, 44, 46 and 62.3 of the American Convention on Human Rights, and of Article 8.1 A and B of the Protocol of San Salvador.	Panama submitted to the Court various specific consultations on the fundamental question if Article 1.2 of the Convention limits the Inter-American protection of Human Rights to natural persons and excludes from it legal persons. The Court decided to divide the presented questions into four main issues and concluded the following on each issue: (i) consultation on the entitlement to rights of legal persons in the Inter-American system: via an extensive interpretation of Article 1.2 the Court decided that legal persons are not entitled to Conventional Rights. (ii) Indigenous and tribal communities: the Court repeated its jurisprudence according to which indigenous communities are entitled to the rights protected by the Inter-American system. (iii) Trade unions: the Court concluded via an interpretation of Article 8.1.a of the Protocol of San Salvador the entitlement to rights established in this article for trade unions, federations and confederations, which allows them to defend their rights in the Inter-American system. (iv) the exercise of rights of natural persons via legal persons – the Court upheld that under certain circumstances a person exercising its rights through legal persons can access to the System to enforce its human rights, even if these are covered by a figure or legal fiction.
Environment and human rights. Advisory opinion OC-23/17 requested by the Republic of Colombia. Series A No. 23	November 15, 2017	State obligations related to the environment in the framework of the protection and guarantee of the rights to life and to humane treatment – interpretation and scope of Articles 4.1 and 5.1, read in conjunction with Articles 1.1 and 2 of the American Convention on Human Rights.	The Court answers to a general request by Colombia on (i) how should the term “jurisdiction” contained in Article 1.1 of the American Convention on Human Rights be interpreted in relation to the environmental obligations of the States in the Greater Caribbean region, (ii) which environmental obligations derive from the Articles 4.1 (Life) and 5.1 (Humane Treatment) of the

			Convention. The Court recognized the undeniable relation between environmental protection and the fulfillment of other human rights. It developed the content of the right to a healthy environment based on Article 11 of the Protocol of San Salvador and Article 26 of the American Convention. Additionally, the Court highlighted the interdependence and indivisibility between human rights, the environment and sustainable development. Furthermore, the Court established the obligations deriving from the respect and guarantee of the rights to life and humane treatment in the context of environmental protection. In particular, it determined that the States must, among others: (i) prevent significant environmental damages within and outside their territory, (ii) act according to the precautionary principle regarding possible grave or irreversible environmental damage that affect the right to life or the right to humane treatment, even in the absence of scientific certainty, (iii) cooperate in good faith with other States for the protection against significant environmental damages, (iv) guarantee access to information on possible impacts on the environment, (v) guarantee the right to public participation concerning decisions and policies affecting the environment, and (vi) guarantee the access to justice in relation to state obligations with regard to environmental protection.
Gender identity, equality and non-discrimination of same-sex couples. Advisory opinion OC-24/17 requested by the Republic of Costa Rica.	November 24, 2017	State obligations related to the change of name, gender identity, and the rights deriving from a relationship between same-sex couples (interpretation and	Answering the questions posed by Costa Rica, the Court emitted this advisory opinion on the state obligations with respect to the legal recognition of

		<p>scope of Articles 1.1, 3, 7, 11.2, 13, 17, 18 and 24, read in conjunction with Article 1 of the American Convention on Human Rights).</p>	<p>(i) the name and gender of trans persons and (ii) marriages between persons of the same sex. In its opinion, the Court reiterated its consistent jurisprudence that sexual orientation and gender identity are categories protected by the American Convention. Therefore any discriminatory norm, act or practice based on these characteristics of a person remains forbidden. It also repeated that the absence of consensus within some countries regarding the full respect of rights for certain groups or persons distinguishing themselves by their sexual orientation, gender identity or gender expression, be it real or perceived, cannot be considered as a valid argument to neglect or limit their human rights nor to perpetuate or reproduce the historical and structural discrimination that these groups or persons have suffered. The second issue considered corresponds to the recognition of marriages between persons of the same sex. In this context, the Court reiterated that the American Convention does not protect a specific family model. As the definition of family does not exclusively refer to heterosexual couples, the Court considered that the family bond that can derive from the relationship of a same-sex couple is protected by the American Convention. Therefore, it considered that all property rights deriving from a family bond within same-sex couples should be protected without any discrimination compared to heterosexual couples. The Court considered that this international obligation of States goes beyond mere property rights and projects on all human rights recognized for heterosexual couples, may it be internationally or in the national law of each State</p>
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