



Inter-American Human Rights Network



Assessing the Impact of the Inter-American Human Rights System

Inter-American Human Rights Network Workshop

Instituto Tecnológico Autónomo de México and Instituto de Investigaciones Jurídicas (UNAM)

10-11 October 2014

Introduction

This document provides a summary of the launch workshop of the Inter-American Human Rights Network, held between 10th and 11th October 2014 in Mexico City's *Universidad Nacional Autónoma de México* and *Instituto Tecnológico Autónomo de México*.¹ The workshop focused on key themes related to the impact of the Inter-American Human Rights System (IAHRS), including: theoretical perspectives on human rights impact and measurement; impact of specific IAHRS mechanisms; the role of domestic actors and institutions in shaping the impact of the IAHRS; and, more generally, the potential of and challenges to the development of genuinely interdisciplinary approaches to the study of the IAHRS. The summary below is not intended as an exhaustive record of the discussions, but rather as a concise presentation of the key findings and main areas of debate as they developed during the workshop. Several publications are currently planned and further updates on the activities of the Network can be found on its dedicated website: <http://interamericanhumanrights.org/>

Session 1 – IAHRS Mechanisms

This session examined the component mechanisms of the IAHRS, looking at their development and implementation over time. The discussions centred on the extent to which the various instruments contributed to, or undermined, the legitimacy, authority and efficacy of the IAHRS.

Theorising and Assessing IAHRS Impact beyond Compliance

Courtney Hillebrecht (University of Nebraska-Lincoln) presented a paper arguing that IAHRS member states operate in a crowded institutional environment of overlapping human rights agencies. The priorities and recommendations highlighted by these various mechanisms may emphasise different areas or even be contradictory. It is important for scholars to understand the decision-making process by which states comply with these decisions, and in what circumstances they chose to comply with the IAHRS rather than other international instruments. To examine this question, the presentation examined adherence to accountability and anti-impunity measures in Brazil, Mexico and Uruguay, looking at compliance with IAHRS recommendations versus those of the UN's Universal Periodic Review (UPR). In the case of Inter-American Court (IACtHR) rulings, there has always been some

¹ See the Annexes to this report for the workshop programme and participant biographies.



degree of compliance in each of the case study countries. This is not the case for the UPR recommendations however, for which states have tended to provide only general responses, with no specific follow-up. This is perhaps because IACtHR rulings are generally more specific than UPR recommendations and thus have greater potential for impact. The compliance monitoring process for IAHRs recommendations is also more coherent than is the case for the UPR and other treaty measures. To help avoid any potential conflicts between the various human rights mechanisms, international bodies should make more effort to coordinate their work.

Examining the Impact of Precautionary Measures at the National Level

Clara Burbano Herrera (Ghent University) highlighted precautionary measures (PMs) as an important area of action for the IAHRs, with 882 such orders issued between 1994 and 2014. The IAHRs issues PMs to protect individuals whose life or physical health is deemed to be at immediate and serious risk. Little information is publically available on past issuances of PMs, but from what is available, it appears that they are mainly applied to individuals who are awaiting the death sentence, facing very poor prison conditions, or are otherwise at immediate risk of harm. The direct impact of such measures has sometimes been substantial on those involved (for example, in cases where PMs have led to a stay of execution), but the indirect impact has been more limited. The dearth of information available, coupled with the limited media coverage of PMs, means only a small proportion of decision makers and the public are ever aware of the existence of any given measure. Where there is some media coverage, indirect effects are still comparatively minor, as the ordering of PMs does little to change societal attitudes to the human rights issues they address. While PMs may increase awareness of the problem of poor prison conditions, for example, these have generally failed to persuade the public or their elected representatives that urgent remedial action needs to be taken. The impact of PMs could be increased further if they applied not only to cases of immediate risk of death or serious injury, but also to political rights issues i.e. in cases where democratic systems are under immediate and serious threat.

Summary of comments:

In the ensuing discussion some participants argued that the overlap between different human rights mechanisms is probably not an issue which particularly confuses states. There are few cases where there are serious contradictions between instruments, but there can be significant divergence on levels of standards (e.g. IAHRs standards on anti-discrimination are much lower than are the UNs). A state's decision on which to comply with appears to be influenced by media coverage, and IAHRs decisions tend to have greater media resonance than do UPR recommendations. Regardless of the limited coverage, UPR recommendations in some countries have still proved a useful tool for campaigners and more progressive practitioners to bring about policy change.

Several participants highlighted the lack of data on PMs to be of concern, in that it impedes an accurate evaluation of impact. The Commission has committed to publish all easily available data on these



measures, but does not have the resources to systematise all its old files. This could mean that PMs have had a greater impact than is presented here, but just that the details of these successful cases have not been published.

Key points from session 1:

- To maximise the impact of international human rights mechanisms greater coordination may be needed between standard setting bodies to reduce the possibility of potential conflicts between the various recommendations.
- Compliance with human rights recommendations tends to be higher where these are specific and where mechanisms are in place to allow for consistent follow-up and monitoring of their implementation.
- The lack of available data on precautionary measures is of concern in that: 1) it limits their indirect impacts and 2) it undermines scholarly and practitioner efforts to assess what effect they have had on human rights outcomes.
- The impact of precautionary measures could be expanded if they were issued not only in cases of immediate threat to life or physical integrity, but also to cases of serious threats to political rights and the functioning of democratic systems.

Session 2 - IAHRM Mechanisms (cont'd)

Friendly Settlements: Efficiency and Reach

Natalia Saltalamacchia Ziccardi (*Instituto Tecnológico Autónomo de México*) detailed how friendly settlements have been used, with irregular but increasing frequency, as a means of achieving what practitioners maintain to be a rapid resolution of cases. Proponents of friendly settlements also argue that compliance rates with reforms and remedial measures contained in friendly settlements are also generally higher than those relating to IACtHR verdicts. While the second hypothesis is borne out by an analysis of the available data from 2001-2011 (which, again, is fairly limited), the first assertion looks less solid. The average time between the submission of a petition and the publication of a friendly settlement report was 7.5 years. This is, in itself, a long period and differs little from the average period of time for the Commission to declare a case admissible or inadmissible (7.3 years, over the same period). As such, increasing focus on friendly settlement mechanisms does not appear to be a particularly effective way of addressing the case backlog.

Overall, compliance with friendly settlements does appear to be higher than that for Court rulings. This is presumably due to the fact that the state involved has agreed to undertake remedial action as part of the negotiation process, rather than having this forced upon it by a court ruling. In a similar way to precautionary measures, the announcement of a friendly settlement also does not gain as much publicity as an IACtHR ruling. Petitioners have tried to address this shortcoming by requesting



publication of the settlement, but details are often made available only in locations with limited reach e.g. in the depths of a government website.

Friendly Settlement in the Case of Paulina Ramirez Jacinto

Regina Tames (*Grupo de Información en Reproducción Elegida*) highlighted the case of Paulina Ramirez Jacinto -- a 14-year old Mexican girl who became pregnant after being raped -- as indicative of some of the complications and potential shortcomings of friendly settlements. Following the attack, Paulina had sought, and was granted, an abortion from Mexican authorities (abortion is legal in Mexico for rape cases). However, misinformation and a series of apparently deliberately engendered delays prevented the procedure from being carried out, and Paulina eventually gave birth. Her mother presented a petition to the Commission in 2002 and, in an effort to reach a rapid conclusion of the case, Paulina opted for a friendly settlement 4 years later. It was not until 2013 that the case was eventually closed. From the settlement, Paulina gained some modest compensation, and a small amount of funds to help pay for the child's schooling and healthcare. However, the indirect effects were very minor because of the limited press coverage of the case, and the lack of change in societal attitudes to abortion (even in rape cases). Similar cases to Paulina's continue to emerge to date. The government has also only authorised 39 abortions for rape cases in Mexico between 2007 and 2012. This is far less than would otherwise be expected, given the high levels of sexual violence in the country.

Summary of comments:

Participants commented that friendly settlements may represent a better way for victims to gain the sort of redress they most seek, as the negotiations allow them to retain greater control of the process. The Commission only publishes details of the settlement once the victim has agreed to this, enabling them to pressure states for further concessions before publication. The involvement of CSOs is often beneficial here in that they can advise the victim on what to demand, and carry out more detailed follow-up to ensure compliance.

CSO involvement is not always positive however, especially where their interests diverge from those of the victim. Knowing that the indirect effects of friendly settlements tend to be lower than those of court rulings -- partly because the former does not gain the same amount of publicity and media reporting as does the latter -- NGOs may encourage victims to go to trial, where the victim would in fact prefer the (potentially) more rapid friendly settlement route.

Key points from session 2:

- Alternative IAHR mechanisms, i.e. those other than Court rulings, do not receive as much media coverage as do judicial decisions. This appears to limit their indirect effects.



- Friendly settlements appear not to be quite as rapid a solution to human rights cases within the IAHRs as is often thought. A greater focus on encouraging settlements will not necessarily be an effective way of addressing the case backlog.
- Victims' primary concern is often to gain resolution for their own situation, more so than it is to seek to obtain a society-wide change as a result of their case. Friendly settlements may allow them to achieve this more easily and quickly, but will likely limit the indirect impacts of the litigation.
- The interests of victims and NGO petitioners do not always perfectly coincide. NGOs may push for cases to go to the IACtHR in order to seek reforms with a broad impact on the human rights environment. Victims however, may prefer the quicker, and potentially less risky route, of friendly settlements.

Session 3 – Domestic Actors and Institutions

This session examined the role played by domestic actors and institutions in shaping the impact of the IAHRs in the respective member countries. Discussions focused on the role of these groups in bringing cases to the attention of the IAHRs, and in ensuring implementation and compliance with international human rights rulings.

From Compliance to Engagement: Assessing IAHRs Impact in Domestic Constitutional Law

Marcelo Torelly (University of Brasilia) argued in his presentation that judicial mechanisms are extremely important to the interpretation and application of IAHRs rulings. Different countries across the region accord different weight to international law. For some, it is above local law, but in others it is accorded equal weight, or is considered to supersede local law only in certain areas. The actual implementation of IAHRs decisions often does not correlate to this formal legal ranking. In some contexts, e.g. Brazil, international mechanisms theoretically trump local legislation, but in practice judges look only at domestic precedents when reaching decisions. In Chile, they have not fully comply with international law against amnesties. However, they have restricted the application of amnesty legislation on the back of international rulings. Uruguay, on the other hand, had sought to comply with decisions regarding amnesty, but later backtracked as local judges considered this would end up further complicating the human rights environment, rather than improving it. In Mexico's Radilla case, high court judges eventually accepted the binding nature of IAHRs rulings, but only after a constitutional reform was passed to that effect. Supreme Court judges in the country now accept there are some cases on which they must to defer to the decisions of international mechanisms.

Institutional Strengthening and the IAHRs

Oscar Parra Vera (Inter-American Court of Human Rights) argued that when looking at compliance and implementation of IAHRs decisions it is important not to view states as monolithic entities in



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which all individuals and branches of government are pulling in the same direction. Not only are rulings interpreted differently in different countries, they are also treated differently by agencies within the same country. There have been numerous examples of this: in Colombia where magistrates investigating connections between the legislative and paramilitary groups sought protection from the IAHRs against domestic threats; or in the dispute in Guatemala between the Constitutional Court and the criminal wing of the Supreme Court regarding the Bamaca case. The impact of the IAHRs in these cases was that it bolstered those parts of the state which were seeking to advance the human rights agenda, against those which were trying to hold it back. In the context of such disputes, either between different branches of the state or between agencies within the same branch, the IAHRs can help overcome local obstacles to prosecution. Such impacts will not be felt as keenly however, where there is an excessive degree of concentration of political power, which restrict opportunities for policy divergence between state agencies.

Key points from Session 3:

- Different countries across the region accord different weight to international law, but the actual implementation of IAHRs decisions often does not correlate with the formal legal ranking.
- Compliance, and willingness to comply, with IAHRs rulings, varies, not just between countries, but within a given state's own institutions.
- An important, if often overlooked, impact of the IAHRs is that it boosts the position of pro-rights groups over their in-country opponents. IAHRs involvement bolsters such groups by allowing them to refer to international legal precedents, and gives greater exposure to the rights issue in question.

Session 4 – Domestic Actors and Institutions (cont'd)

From Compliance to Implementation: National Human Rights Institutions (NHRIs) and the IAHRs

Tom Pegram (University College London) discussed how National Human Rights Institutions (NHRIs) can help shape the impact of the IAHRs at the domestic level. This is particularly true given the existence of an implementation gap for the IAHRs: compliance cannot be enforced through inter-state action and this gives NHRIs room to have an impact. The effects of these institutions, known in most countries as *Defensorias del Pueblo* or Ombudsman's Office, need to be further explored. However, some aspects are immediately obvious. For example, several such agencies have made concrete advances towards positive human rights outcomes in the Americas, while others have slid into irrelevance, or even proved detrimental to the human rights environment. NHRIs can add value to human rights claims as they have standing and status and are well placed to bring relevant information to the attention of the system (especially through their role in amicus briefs). NHRIs invariably work



in tandem with CSO actors, but there is some debate about whether they should even be involved at all. If NHRIs are petitioners, then states will be both litigants and defendants in cases. It is not yet clear if this would be a positive development. Nevertheless, the role of NHRIs in many human rights cases suggests that governments should not always be thought of as seeking to obfuscate and block IAHR engagement. Some state bodies can engage with these issues positively.

Civil Society Engagement with IAHR

In their presentation, **Par Engstrom** and **Peter Low** (both from University College London) highlighted how civil society organisations (CSOs) play a large role in bringing human rights violations to the IAHR's attention via the petition process. The extent to which countries engage with the system, as reflected by the number of petitions they file, varies greatly across the region. The variance cannot be easily explained by differences in population size, economy size or the number of human rights violations in the country; there is no direct correlation between any of these factors and numbers of petitions. It appears rather that variances over time and between countries are explained by a combination of factors at the organisational and structural level. Organisational factors include: the degree of legal literacy and expertise within the CSO; the level of resources available to them; as well as organisational objectives and whether these are easily realisable through the petition system. Structural factors include: the judicial context (supportive legal environments will mean CSOs are less likely to escalate complaints to the IAHR as remedies can be gained more easily at the domestic level) and the political environment (advocacy strategies are unlikely to be successful where human rights complaints have repeatedly been dismissed by political leaders, making international action more appealing).

Summary of comments:

Workshop discussants highlighted that CSO petitions are often filed only as one strand of a multi-faceted advocacy strategy. Where CSOs have engaged they have often achieved important results in the case of individual justice, but also in helping the creation and signing of treaties, establishment of rapporteurships (e.g. on women's rights), and in monitoring and follow-up of compliance. Their impact is not always positive however; there have been cases where CSOs have been found to have made false testimony etc.

Key points from session 4:

- Some NHRIs have added value by bringing their standing and status behind human rights claims, and for amicus curiae briefs. This demonstrates that government agencies should not always be thought of as blocking IAHR engagement.
- CSOs have become the lifeblood of the IAHR, but engagement varies greatly between organisations and between countries over time. The variance is due to more than just differences in population size or human rights environment.



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Session 5 - Policy and Practice Discussion

This panel session saw members of the Inter-American Commission and users of the IAHRs discuss the most significant historical areas of impact of the system, as well as the major challenges for the future.

For many, the underlying reason the Commission has been able to achieve impact is because of the legitimacy it has built up over the years, gained both by its commitment to independence and to work closely with various stakeholder groups. Petitions are reviewed by a committee which uses strict criteria to rule on admissibility, and all petitions are examined in chronological order (with exceptions for emergency cases). Such processes aim to ensure equal treatment and to avoid accusations of bias. Recent efforts to reform its operations were carefully constructed in close cooperation with stakeholders to ensure their views were represented, and help the system maintain its legitimacy.

Another important aspect highlighted was the complementarity of instruments; the way its various component parts worked together to achieve concrete advances. One of the greatest illustrations of complementarity in action was in the field of women's rights. The initial work in this area began with CSO advocacy, and moved towards the creation of a legal instrument for the protection of women's rights (Belém do Pará Convention, the most widely signed instrument in the system). Later, a Rapporteurship for this area was also established. On the back of the increased focus on women's rights issues, the Commission conducted an in-country visit to Mexico to examine cases of gender-based violence in Juarez. During this visit, representatives from the Commission received a number of petitions from victims of such violence and their representatives. These same petitions generated greater awareness of women's rights issues as they worked their way through the IAHRs, and eventually culminated in the landmark ruling on the Cotton Field case.

The way these various instruments operated in tandem enabled the IAHRs to alter conceptualisation of such issues from a security or law and order concern, to a society wide one, based on an understanding of the structural discrimination underpinning such incidents. Moreover, the impacts of IAHRs rulings on women's rights, on any other human rights issue, should not be viewed just in the context of one country, as they have often had important ramifications for the region as a whole. The effects of the ruling on the Barrios Altos case, for example, have been felt far beyond Peruvian territory.

One of the main threats to the IAHRs' future impact is the question of financing. The Commission's budget is about only one tenth of that of its European counterpart. Though it is able to continue writing reports and assessing petitions, a lack of resources means the scope of this activity is limited. As a result, the Commission has developed a significant backlog of cases which it continues to try and address by grouping together similar petitions, reducing reporting length and removing cases where contact with the petitioner has been lost. All these measures are designed to reduce the delay between the petition submission and petition ruling date.



Key points from session 5:

- A key factor in understanding the IAHRs' ability to create impact is the legitimacy it has built up over the years, gained through the decisions it has made and the relationships it has developed.
- Another important factor has been the complementarity of IAHRs instruments. Positive feedback between its various mechanisms has served to amplify the system's impact.
- The main threats to the continued and expanding impact of the IAHRs are its budgetary constraints, the lack of universal acceptance of its jurisdiction, and the growing backlog of cases.

Session 6 - Country Cases

The presentations during this session sought to provide greater detail on the operation and impact of the IAHRs in diverse contexts throughout the region. The session saw participants examine the on-the-ground effects of IAHRs recommendations and rulings on a number of issues in each of the countries discussed.

Colombia and the IAHRs: Towards Strategic Compliance

Sandra Borda (*Universidad de los Andes*) outlined how scholars view Colombia as having a tradition of 'strategic ratification' of human rights instruments; pressure from the international community led it to essentially automatically ratify new human rights treaties, without necessarily worrying too much about implementation or compliance. This attitude is now changing as Colombian decision makers gain greater confidence in their moral authority on human rights as a result of security improvements and advances in the peace process. Colombia now seeks a new relationship with the international human rights system it once feared. Despite President Santos's recognition of systematic human rights problems in the country (something former President Uribe never recognised), the government is increasingly distancing itself from international human rights law, cherry picking the elements with which it wishes to comply. The case of Petro was an instructive example; this was the first time there was a debate in the country about whether or not to accept the IAHRs' precautionary measures (before it just obeyed them). Santos has also challenged international mechanisms for monitoring human rights in Colombia, claiming the country now has a 'mature' human rights environment so such mechanisms are no longer required. The result of this shift is that Colombia now gives the impression of compliance with international human rights law, but in reality it is seeking to water down IAHRs decisions. Today, Colombian officials appear to be more concerned about falling foul of the International Criminal Court and IAHRs decisions have ceased to hold so much weight.



Brazil and the IAHRs

Rossana Rocha Reis (University of São Paulo) discussed what she views as Brazil's somewhat ambiguous position with regards to the IAHRs. Some cases have led to significant impacts, but others have seen the state completely ignore IAHRs decisions. The degree of compliance appears to mainly depend on which part of the government is in ascendancy at the time of any ruling. For the particular issue of land disputes and rural violence, Brazil's compliance with IAHRs decisions has been very poor. This is partly because there is little focus on human rights issues in Brazilian legal education, meaning the IAHRs is not well understood by the judiciary. Judges tend to make conservative interpretations of human rights law and put property rights above all else (e.g. right to protest etc). Even though compliance rates are low, the impact of IAHRs decisions is still significant because they constitute an important tool which is used by progressive elements within different government agencies. This has contributed to the significant changes achieved in the area of rural violence in Brazil in recent years. This impact would have been greater still had the IAHRs recommendations been a little more specific, thereby allowing for greater monitoring and follow-up.

Summary of comments:

Other participants added that a country's decision over whether to comply with IAHRs rulings and recommendations are often entangled with other strategic and foreign policy aims. This is particularly the case for countries like Brazil, Colombia and Mexico, which have substantial international aspirations. In Colombia domestic forces have served to negate much of the real impact of IAHRs decisions at the implementation stage. That said, there have still been a number of important indirect impacts in the country, particularly with regard to the armed forces. Though military groups have maintained a strongly confrontational attitude to the IAHRs, they have still adjusted some operational procedures as a result of its influence.

Key points from session 6:

- Decisions over whether to comply with IAHRs rulings and recommendations are often entangled with other strategic and foreign policy aims, particularly for countries with greater global aspirations (such as Brazil, Colombia and Mexico).
- States may make efforts to create the impression of complying with international human rights mechanisms and rulings, whilst simultaneously hollowing out their real impact at the domestic level.
- However, even where compliance with rulings is low, IAHRs decisions can still have indirect impacts by providing important influencing tools to progressive elements within the state.



Session 7 - Country Cases (cont'd)

Transitional Justice and the IAHRs in Peru

Bruno Boti Bernardi (University of São Paulo) argued that Peru's interaction with the IAHRs after Fujimori shows that its influence is not static and depends on the domestic political configuration of the target-countries, as well as the correlation of forces between certain key actors within and outside the state. The IAHRs will likely have an impact: 1) when domestic groups are able to instrumentalise it as an effective mechanism for their own empowerment and 2) where these actors overcome resistance of those for whom the IAHRs represents a threat to their interests or to sovereignty / security. In Peru, the abrupt fall of the Fujimori regime provided an extremely favorable context in that both the Executive and Congress tried to distance themselves from the authoritarian period by implementing a democratic agenda. A group of progressive justices used the IAHRs as a mechanism to strengthen the judiciary and recover its legitimacy and credibility. After 2006, the renewed strength of pro-violation groups – APRA, fujimoristas and the armed forces – restricted the leeway of actors exerting political pressure in favour of the IAHRs. Several local rulings diverged from international human rights law and jurisprudence that had been accumulated in previous years by the Peruvian courts. This evolving relationship with the IAHRs points to the importance of domestic mediations with respect to the impact question. The system is unable to unilaterally bring about practical improvements in human rights outcomes.

Measuring the impact of the IAHRs in the fight against impunity for past crimes in Guatemala and El Salvador

Martha Liliana Gutiérrez Salazar (University of Salamanca) discussed how both Guatemala and El Salvador have made some attempts to bring to justice those responsible for human rights violations committed during their respective internal armed conflicts. However, advances in local justice were markedly different in the two countries, with much more substantive results achieved in Guatemala than in El Salvador. In both, it is clear that domestic judicial systems were completely unable to deal with accounting for past crimes. The IAHRs has made its impact felt through the regular publication of special reports on the human rights situation in both countries, which had important effects at the domestic level. There have also been a total of 4 Court rulings on El Salvador and 18 for Guatemala. While rulings of the court did not have a dramatic immediate impact (especially because of very low compliance levels in Guatemala), they slowly and surely began to be reflected in local jurisprudence. In this context, the IAHRs has served as an alternative, gradual tool for preventing impunity for past violations in the two countries.

Key points from session 7:

- IAHRs impact depends both on the domestic political configuration of the target country, and the correlation of state and non-state forces.



- The abrupt fall of autocratic regimes may provide a favourable context for impact (over the short-term) as new authorities seek to distance themselves from the abuses of the past.
- Even where immediate compliance with IAHRs rulings has been lacking, as in Guatemala, this does not mean they have had no impact. Later cases may gradually begin to draw on this international jurisprudence.

Concluding Session: Comparative Perspectives on the Inter-American Human Rights System

In an effort to provide new insights into the operations of the IAHRs, this session examined the convergences and contrasts between the evolution and the comparative impact of the system with other regional human rights mechanisms.

Frans Viljoen (University of Pretoria) argued that, despite the substantial differences between the African and American systems, cross-regional comparisons still provide interesting insights into their operations. Both systems share a number of characteristics:

- There is weak political oversight, and limited follow-up by the institutions themselves to ensure compliance (in Africa, states partially comply in only about a third of cases);
- African and American system share a normative basis, in large part because the founding charter of the African system was heavily influenced by the American one; and
- Indigenous rights issues have gained much traction in both, with the African commission drawing heavily on IACtHR rulings here.

There are a number of areas in which the African system is lagging behind its American counterpart. In Africa there is an even greater problem of data shortcomings for cases, compliance and rulings. The issue of institutional overlap is also more acute given the existence of the additional supra-national human rights instruments such as the APR, African committee on rights of the child, and others. On top of this there are sub-regional mechanisms which pronounce on human rights e.g. ECOWAS, East African Community, SADC etc. NGOs in the African system, more so than elsewhere, have played a vital role in driving the creation and operation of new mechanisms, rapporteurs, treaties etc. They have found funding for new initiatives and sometimes even help to run parts of the African mechanism. The African system also has to deal with different challenges to those of the IARHS, particularly with regards to how to deal with states that are totally disengaged. In places like Eritrea the Commission has made a number of recommendations, but the state has not responded nor reacted to any of these. Detailed examination of these various challenges and issues across the two systems will likely provide useful insights which can help improve the impact of both.



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Annex 1: Workshop Programme

Leverhulme International Network Launch Workshop Assessing the Impact of the Inter-American Human Rights System 10-11 October 2014

Instituto de Investigaciones Jurídicas (UNAM) and Instituto Tecnológico Autónomo de México (ITAM)

Friday 10 October: Instituto de Investigaciones Jurídicas – UNAM

10:00 – 10:45. Welcome and project overview

- Welcome: Natalia Saltalamacchia and Pedro Salazar
- Logistics: Peter Low and Par Engstrom

10:45 – 12:00. Session 1: IAHRs mechanisms

Chair: Sandra Borda

- ‘Theorising & Assessing the Inter-American Human Rights System’s Impact beyond Compliance’ - **Courtney Hillebrecht**, University of Nebraska-Lincoln.
- ‘Examining the Impact of Interim Measures at the National Level from the Perspective of Persons in Situation of Detention’ - **Clara Burbano Herrera**, Human Rights Centre Ghent University.

12.00– 12.30. Coffee break.

12:30 – 13:45. Session 2: IAHRs mechanisms (cont’d)

Chair: Rossana Rocha Reis

- ‘Soluciones amistosas en el Sistema Interamericano de Derechos Humanos (2001-2011)’ - **Natalia Saltalamacchia**, ITAM
- ‘Soluciones Amistosas: El Caso de Paulina Ramirez Jacinto’ - **Regina Tames**, Grupo de Información en Reproducción Elegida (GIRE)



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13:45 – 15:15. Lunch at UNAM

15:15 – 16:30. Session 3: Domestic actors and institutions

Chair: Clara Burbano Herrera

- 'From Compliance to Engagement: Assessing IAHRs Impact in Domestic Constitutional Law' – **Marcelo Torelly**, Brasília University Law School.
- 'Empoderamiento institucional': Impacto de las decisiones interamericanas en el impulso de políticas / agendas progresistas en el contexto de tensiones entre agencias / actores estatales' – **Oscar Parra Vera**, Inter-American Court of Human Rights.

16.30 – 16.45. Coffee break.

16:45 – 18:00. Session 4: Domestic actors and institutions (cont'd)

Chair: Natalia Saltalamacchia

- 'From Compliance to Implementation: National Human Rights Institutions and the Inter-American Human Rights System' – **Tom Pegram**, UCL Institute of Global Governance.
- 'Civil Society Engagement with the Inter-American System' - **Par Engstrom** and **Peter Low**, UCL Institute of the Americas.

18:00 – 20:00. Roundtable discussion with practitioners and policy makers

Chair: Pedro Salazar

Contributions from:

- **José de Jesús Orozco Henríquez**, Commissioner Inter-American Commission on Human Rights, and Instituto de Investigaciones Jurídicas, UNAM.
- **Elizabeth Abi-Mershed**, Assistant Executive Secretary, Inter-American Commission on Human Rights.
- **Viviana Krsticevic**, Executive Director, Center for Justice and International Law.



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Saturday 11 October: Instituto Tecnológico Autónomo de México – ITAM

9:30 – 10:45. Session 5: Country cases

Chair: Par Engstrom

- ‘Colombia y el Sistema Interamericano de Derechos Humanos: Hacia el cumplimiento estratégico’ - **Sandra Borda**, Universidad de Los Andes.
- ‘Brazil and the Inter-American Human Rights System’ - **Rossana Rocha Reis**, Universidade de São Paulo.

10:45 – 11:15. Coffee break

11:15 – 12:30. Session 6: Country cases (cont’d)

Chair: Courtney Hillebrecht

- ‘Transitional Justice and the Inter-American Human Rights System in Peru’ - **Bruno Boti Bernardi**, Universidade de São Paulo.
- ‘Midiendo el impacto del Sistema Interamericano de Derechos Humanos en la lucha contra la impunidad por los crímenes del pasado en El Salvador y Guatemala’ - **Elena Martínez Barahona** and **Martha Liliana Gutiérrez Salazar**, Universidad de Salamanca.

12.45 – 14.00 Concluding Reflections and Regional Comparisons

Chair: Yves Haeck

- Led by **Frans Viljoen**, Director of the Centre for Human Rights, University of Pretoria’s Faculty of Law.



Annex 2: Participant Bios

Elizabeth Abi-Mershed - Inter-American Commission on Human Rights

Elizabeth Abi-Mershed is the Assistant Executive Secretary of the IACHR and, since July 1, 2012, the Interim Executive Secretary. A United States citizen, she is the Commission's Legal Director, in charge of coordinating and supervising the preparation of all reports on cases and thematic and country reports. She also coordinates the work of the Office of the Rapporteur on the Rights of Women, as well as the specialized group that litigates cases before the Inter-American Court of Human Rights. She has worked at the IACHR since 1992 and has held the post of Assistant Executive Secretary since 2007. Elizabeth Abi-Mershed studied law at American University's Washington College of Law and did her postgraduate studies in international and comparative law at Georgetown University.

Dr Sandra Borda – Universidad de los Andes, Colombia

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democracia constitucional; Garantismo espurio. Dos versiones de un garantismo espurio en la jurisprudencia mexicana; La mecánica del cambio político en México; and El poder de la transparencia. Nueve derrotas a la opacidad.

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