**CORTE INTERAMERICANA DE DERECHOS HUMANOS**

**COUR INTERAMERICAINE DES DROITS DE L'HOMME**

**CORTE INTERAMERICANA DE DIREITOS HUMANOS**

**INTER-AMERICAN COURT OF HUMAN RIGHTS**

SPEECH OF THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS, JUDGE ROBERTO F. CALDAS, AT THE 5TH UNITED NATIONS INTERNATIONAL WORKSHOP ON REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Panel 1: Taking stock of developments in the cooperation between the United Nations and regional human rights mechanisms**

(Geneva, 4 October 2016)

Mr. President and fellow panel members, please accept the warmest greetings on behalf of my colleagues at the Inter-American Court of Human Rights and myself. Our Court’s jurisdiction extends over 560 million individuals and 20 countries across the Latin American continent. For the past 37 years, the Court has provided effective protection and guarantee of human rights through a comprehensive body of jurisprudence addressing issues that are endemic to the region. These range from forced disappearances, military jurisdictions, and amnesty laws to freedom of expression, women’s human rights, migration, non-discrimination, indigenous rights, to mention but a few. In securing and enforcing these rights, the Court has not only tackled the historical legacy of dictatorships, inequality and social unrest in Latin America, but also contributed to the strengthening of the rule of law. Such progress, however, would not have been achieved were it not for the existing multi-lateral dialogue between the Inter-American Court and other human rights courts, bodies and actors at the international and national levels.

Allow me to mention a few concrete examples of our recent efforts to strengthen our cooperation with other regional and international courts as well as United Nations bodies.

In 2012 and 2014, the Judges of the Inter-American Court visited Strasbourg to meet with the European Court, whose Judges in turn also visited San Jose, in 2011 and 2016. Under a Memorandum of Understanding signed between both institutions, a staff exchange program that allows one lawyer from each international organ to undertake a professional visit for several months at their sister organization has been functioning for the past 3 years. .

The Inter-American Court has also established strong ties with the African Court. In 2012, 2015 and 2016, Judges of the African Court visited the Inter-American Court to exchange good practices. Also in 2015, a delegation of four Judges of the Inter-American Court visited Arusha to discuss a number of important issues, such as future challenges in the area of human rights in the two continents.

Last February, the Inter-American Court and the International Criminal Court signed a Memorandum of Understanding, according to which the two institutions will exchange information, and hold meetings on matters of common interest.

As to its relations with the United Nations, in June of the past year, the Inter-American Court met with the chairpersons of the United Nations treaty bodies during their annual meeting, in San Jose, Costa Rica. Following this important meeting, I visited the Human Rights Committee last October, and those who welcomed me and I expressed our desire to organize a joint meeting between our two bodies. This event will take place in the seat of the Court on November 18 of this year, and we will have the opportunity to talk about substantive matters, such as the relationship between international and national human rights protection organs and the challenges faced by both institutions in the fulfillment of their mandates.

This dialogue among institutions is crucial to the work of the Court in protecting human rights, and it is reflected in its case law through what we call ‘jurisprudential dialogue’. The existence of an international jurisprudential dialogue is essential to the Court’s endeavor, functioning, and legitimacy, both in factual and normative terms.First and foremost, this inter-institutional dialogue enables the Court to effectively and swiftly respond to contemporary challenges, allowing for victims’ needs to be fairly addressed. Second, it is instrumental to the development of the existing body of international human rights law.

Allow me, Mr. President, to give some very brief examples. In *Marguš v. Croacia*, the European Court of Human Rights approved the lifting of an amnesty law, referencing several Inter-American Court cases that have declared the inadmissibility of amnesty laws; and in *Ergin v. Turkey*, it followed the Inter-American Court’s lead on the inadequacy of military jurisdictions for the trial of human rights violations. Most significantly, the Inter-American Court has laid the foundations of an international indigenous rights protection regime. In *Awas Tingni v. Nicaragua*, the Inter-American Court became the first tribunal to establish that communal property rights could arise from traditional occupation, and subsequently upheld such rights in cases where property had been transferred, expropriated or lost without the community’s consent. Also, our jurisprudence has recently reached the African continent, where the African Commission on Human and Peoples’ Rights upheld the property rights of a forcibly removed community in *Endorois Welfare Council v. Kenya*, on the basis of the Inter-American case-law. Moreover, the Inter-American Court has pioneered the concept of integral reparations, which go beyond monetary compensation, to include remedies such as the provision of health services and food, the implementation of policies and legislation aimed at improving human rights protection, and the construction of monuments in honour of the victims. In *Prosecutor v. Thomas Lubanga*, its first ever decision on reparations, the International Criminal Court adopted an approach similar to the Inter-American Court’s victim-centred reparations system, by expressing its support for ‘the widest possible remedies’.

The examples I have provided need to be taken as conclusive evidence that the work of international human rights lawyers and activists is circumscribed within a wider international law narrative to which we all contribute. As such, we must see every step taken in the direction of strengthening the protection of human rights as an opportunity for dialogue and convergence, rather than an isolated move lost in momentum. I urge for these opportunities to be seized. Human rights milestones must not only be celebrated, but progressed further in order to ensure the continued success of regional human rights mechanisms.

Mr. President, I could not let pass up the opportunity of bringing to the attention of this distinguished audience that the work done by the Inter-American Court is at risk for financial reasons. In 2015, the Governments of two European countries notified the Court that they would no longer be sending their voluntary contributions, which summed up to 38% of the Court’s total income. In order to continue carrying out its work, we call on the American States to provide the necessary financial support to the Court. With this note, and certain that all the participants of this workshop share the highest commitment to the development of human rights, I can assure we will continue to grow together in the direction of an inter-institutional dialogue, learning from one another and developing new forms of cooperation. Thank you.