

A SYSTEM AT THE VANGUARD: THE EVOLUTION OF WOMEN'S HUMAN RIGHTS IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM, 1948-PRESENT

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ABSTRACT

The inter-American human rights system (IAHRS) has made considerable contributions to advancing women's human rights in both conceptual and practical terms. This article will provide an overview of key developments in this area of IAHRS jurisprudence over the past seven decades. While attention to women's human rights was limited in the early years of the system's operation, since the 1990s it has arguably been at the vanguard of advancing an intersectional feminist approach to international human rights law (IHRL). It will be argued that the IAHRS has taken such an approach to women's human rights for three main, interrelated reasons: the presence of a dedicated women's rights body within the IAHRS; the particular socio-political context in which the IAHRS has evolved; and the system's responsiveness to Latin American feminist praxis.

Keywords

Women's human rights; feminist approaches to international human rights law; the inter-American human rights system.

1. INTRODUCTION

The inter-American human rights system (IAHRS) of the Organization of American States (OAS) is the world's oldest and arguably most progressive regional human rights system. Whether through adopting and developing concepts from civil society activism in its jurisprudence such as enforced disappearances¹ and femicide,² or through being the first human rights system to adopt conventions on disabled people's and older person's rights,³ the IAHRS has been described as taking an 'original, creative, avant-garde'⁴ approach to the interpretation and

application of international human rights law (IHRL).

Despite its considerable achievements in an often-challenging context, the IAHRS continues to attract limited attention in Anglophone, Global North literature.⁵ In addition, there would appear to be no comprehensive history of the evolution of the IAHRS's jurisprudence on women's human rights. In response, this article will serve as a starting point for further exploration of these lacunae.

The first part of this article will consider the period from 1948-1994. While women's human rights were largely absent from IAHRS jurisprudence during this period, there were some indications of a responsiveness to feminist thinking and activism, and individuals and organisations both within and outside of the IAHRS laid important groundwork for developments in subsequent decades.

Part two will consider the period from 1994-2012, when women's human rights became a major focus of the IAHRS. This period represented the IAHRS's first tentative steps on what Palacios Zuloaga has termed 'the path to gender justice':⁶ while the increased attention to women's human rights issues and attempts at "gender-sensitive reasoning" on the part of the Commission and Court were welcome, they were not without their conceptual limitations.

The third and final part of this article will consider the period from 2013 to the present. During this time, the IAHRS has paid increasing attention to sexual and reproductive health and rights (SRHRs), one of the most contested areas of women's and LGBTQI people's rights, and it has been increasingly willing to challenge states for violations of these rights. There have also been indications of a more coherent understanding of intersectionality and gender-

first Pan-American Conference of Women met in Baltimore, at which the Pan-American Association for the Advancement of Women was founded with the purpose of influencing the fifth International Conference of American States to be held in 1923.¹⁴ As a result of the Pan-American Association's work, the 1923 Conference unanimously adopted a resolution mandating future conferences to identify and address legal discrimination against women, as well as a resolution calling for the inclusion of women as delegates at future conferences.¹⁵ Although states failed to make good on this second promise at the sixth International Conference of American States held in 1928, feminists from across the Americas lobbied at it for a right to participate and also for the ratification of an Equal Rights Treaty.¹⁶ Following a month of campaigning and protests, women officially spoke at a plenary and public session of a Pan-American conference for the first time; while the Treaty for Equal Rights was not ratified, the world's first official intergovernmental agency to ensure the recognition of women's civil and political rights, the Inter-American Commission for Women (CIM), was established.¹⁷

At the Seventh International Conference of American States held in Montevideo in 1933, the impact of CIM was already evident. Women were included in the official delegations for the first time, and the first CIM directors presented the study they had been commissioned to conduct at the previous Conference on the status of women in the Americas. In large part thanks to the evidence collected by CIM and campaigning by feminist delegates, the Conference adopted the Convention on Nationality of Women, which enabled women to retain their own nationality in the event of marriage to a man of a different nationality. This was the first international instrument concerning the rights of women.¹⁸ The 1933 Convention on the Nationality of Women was a 'pathbreaking' international human rights treaty 'written by women and aimed at taking women's rights to the international level.'¹⁹ While it may seem a modest achievement by contemporary standards, and while the limitations and exclusions arising from the feminist delegates' predominantly urban, middle-class standpoint must be acknowledged, the 1933 Convention was nevertheless an important milestone.

During the Second World War and post-war period, CIM continued to collect data on the status of women in the Americas and campaigned for the creation of a body dedicated to women's human rights within the newly established UN. As a result of their efforts – in collaboration with feminist from all over the world – the UN Commission on the Status of Women (UN CSW) was established in 1946.²⁰ The UN CSW, along with the Third Committee on Social, Humanitarian and Cultural Affairs, enabled feminist actors to influence the drafting of the UN Charter and the Universal Declaration of Human Rights (UDHR).²¹ They campaigned for explicit commitments to women's rights in both documents, and as a result the Charter and UDHR contain references to the equal rights of men and women, and to non-discrimination on the basis of sex.²² By ensuring the establishment of the CSW and by influencing the drafting of the UN Charter and the UDHR, feminist activists (including CIM members) planted a seed for IHRL's growing responsiveness to feminist interpretations of human rights in subsequent decades.²³

CIM was incorporated into the OAS in 1948, and the Inter-American Convention on the Granting of Political Rights to Women and the Inter-American Convention on the Granting of Civil Rights to Women were both adopted that year; they served as an important source of pressure on OAS member states to extend the vote to women.²⁴ Women's suffrage was a priority focus of CIM from the 1920s to the 1960s, with Guatemala being the last country in the region to grant full suffrage to women in 1965.²⁵

Although the OAS adopted the first general international human rights instrument in the world when it was established in 1948,²⁶ human rights otherwise received little attention from the OAS during its first decades in operation. The IACHR only became fully operational in 1961, and it was only authorised to examine individual petitions in 1965.²⁷ In addition, during the 1950s and 1960s, the OAS was widely considered 'an instrument of US foreign policy', with the USA framing its interference in a host of Latin American and Caribbean states as interventions in the name of the regional organisation's collective security.²⁸ Both in spite of and because of these issues, the newly established IACHR took its mandate to report on human rights issues seriously. Its country visits to Cuba, the Dominican Republic, and

Haiti provided important information on some of the systemic human rights violations occurring in the region.²⁹ Given US hegemony and interference, it is perhaps unsurprising that a country report on the USA's systemic violations of Black Americans' human rights was not forthcoming.

This silence on the situation in the US was not the only oversight on the part of the IACHR during this period. Despite the emergence of a whole host of civil society movements across the region dedicated to disability rights, women's rights, indigenous people's rights, and the rights of Afro-descendant people (among many others), the issues these activists raised were not given substantive attention by the IACHR in its reports until the 1990s. In addition, it was only in 1972 that the IACHR appointed its first woman Commissioner, Costa Rican feminist Angela Acuña de Chacón, and it was only in 1986 that a Black Commissioner, Barbadian diplomat Oliver H Jackman, was appointed. However, as will be discussed in part three of this article, the IACHR has since then proven itself responsive to civil society actors, and it has become somewhat more diverse in its composition.

Despite the OAS's overall reputation for being under undue US influence, and extreme, systemic human rights violations, the IACHR 'established its credibility and prestige' during the 1970s as a human rights mechanism that could bear witness to human suffering and play a role in holding repressive regimes to account.³⁰ The 1970s also saw further development of Latin American and Caribbean feminist movements, in tandem with increasing attention to women's human rights issues within the UN human rights system; these two interrelated processes had important implications for the development of women's human rights protection in the IAHRs in subsequent decades.

The profoundly repressive and violent political climate in the region informed the growth and trajectory of the feminist movements there: many Latin American and Caribbean feminists challenged patriarchal state and military violence, and also allied with other opposition movements to contest deep-rooted inequality.³¹ The awareness of not just sexism but also of class-based oppression, racism, and (neo)imperialism/colonialism informed the development of an intersectional feminist

praxis.³² Latin American and Caribbean feminists brought this perspective to bear on the UN Decade for Women. In 1975, the first of four UN World Conferences on Women was held in Mexico City to mark the beginning of the UN Decade for Women.³³ The Mexico City Conference served as 'a massive global consciousness-raising movement' for the modern transnational feminist movement.³⁴ It also served as the starting point for feminist reshaping of IHRL, that would culminate in significant developments in IHRL in the 1990s. Joining CIM, the IACHR, and an active transnational civil society movement, the third and final key actor within the IAHRs, the Inter-American Court of Human Rights, was established at the end of this tumultuous decade.

Much like the IACHR, the IACtHR was more limited in its approach to women's human rights protection in its early years than it is today. Established by the American Convention on Human Rights and becoming operational in 1980,³⁵ early IACtHR jurisprudence was largely lacking a gendered lens, and the IACtHR did not appoint its first woman judge, Sonia Picado Sotela, until 1989. As of 2022, the Court has still only had two women presidents. The Court's first case, *Viviana Gallardo et al v Costa Rica*, concerned the death of one young woman in police custody and the wounding of two others; the petition was found to be inadmissible, and the Court did not undertake any kind of gender-sensitive legal reasoning, instead focusing on procedural issues.³⁶

However, the Court's second advisory opinion, concerning the human rights implications of proposed amendments to the Costa Rican Constitution's naturalization provisions, did apply some feminist legal reasoning.³⁷ Referring to ACHR article 17 on the right of the family, article 20 on the right to nationality and article 24 on the right to equal protection, as well as the 1933 Convention on the Nationality of Married Women and CEDAW,³⁸ the Court concluded that the proposed amendments could indirectly result in the deprivation of a foreign woman's nationality upon her marriage to a Costa Rican man.³⁹ In its reasoning, the Court critiqued the 'notions about paternal authority' and the husband's 'privileged status of power' that underpin 'the right accorded to women to acquire the nationality of their husbands': rather than the ability to

for his vicious abuse of her, including two murder attempts.⁶⁷

The 2002 friendly settlement *Mónica Carabantes Galleguillos (Chile)* concerned the state's responsibility for violations Galleguillos's rights due to being expelled from a private school for having become pregnant. The facts of the case and the Commission's analysis of them illustrated a commitment to gender-sensitive approaches to legal reasoning that identified sexist assumptions about the inextricable link between women's and girl's sexual propriety and their worthiness of protection, or access to resources and public spheres such as education and schools.⁶⁸

In 2003, the IACHR heard its first friendly settlement relating to SRHRs. *María Mamérita Mestanza Chávez (Peru)* concerned the multiple human rights violations arising from the forced sterilization of Mestanza Chávez, a poor *campesina* woman, that resulted in medical complications leading to her death.⁶⁹ The Commission took something of a feminist approach by framing forced sterilization as a violation of the right to personal integrity and as violence against women; it also included the petitioners' assertion that the botched forced sterilization took place in the context of a 'massive, compulsory, and systematic government policy that emphasized sterilization as a method for quickly modifying the reproductive behaviour of the population, especially of poor, indigenous, and rural women', perhaps indicating tacit endorsement of this intersectional feminist understanding of the causes and impact of this systemic human rights abuse.⁷⁰ These indications of an intersectional feminist approach to legal reasoning were not quite as discernible in the jurisprudence of the IACtHR during this period, however.

In her 2008 article, Palacios Zuloaga provides an in-depth critique of the limitations to the Court's gender-sensitive reasoning in this period.⁷¹ While cases concerning women's human rights issues and/or that should have been viewed through a gendered lens were increasingly present on the IAHRs docket at this time, and while on occasion the IAHRs found in favour of applicants who had experienced gendered human rights violations, Palacios Zuloaga argues the Court too often employed problematic reasoning that perpetuates rather than challenges essentialist stereotypes about

womanhood in general and motherhood in particular.⁷² Some of the tensions between the Court's increasing willingness to employ a gender-sensitive analysis and the limitations of its approach are also apparent in the 2009 *Cotton Fields* case.

Cotton Fields concerned the disappearance and murder of two teenagers and one young woman in Ciudad Juárez, crimes which the state failed to investigate.⁷³ In terms of advancements in gender-sensitive/feminist legal reasoning and responsiveness to feminist praxis, this case reiterated the justiciability of the Belém do Pará Convention, made use of the term 'femicide', and conceptualised violence against women as a systemic, structural phenomenon which requires extensive, interlinked transformation of attitudes, the legal system, and wider society to be eradicated.⁷⁴ The Court also drew upon the work of Amnesty, UN human rights special procedures, and the IACHR on the situation of women in Ciudad Juárez, indicating the Court's openness to civil society and the international human rights system, as well as the influence of the Commission's work on women's human rights.⁷⁵ The Court also demonstrated some awareness of intersectionality, acknowledging the particular vulnerability of the victims, who were not just women, but young women of 'humble background' living in a context of widespread violence against women and girls.⁷⁶ However, the Court did not provide a coherent conceptualisation of femicide,⁷⁷ nor did it find that the acts perpetrated against the victims amounted to torture, a decision which Judge Cecilia Medina Quiroga criticised in her concurring opinion.⁷⁸

Although it is important to acknowledge these limitations and advocate for a more effective, coherent employment of intersectional feminist legal reasoning, it could be argued that IAHRs jurisprudence needs to be situated in a wider "ecosystem" of reports, legislative and policy developments, and engagement with civil society actors to be understood fully. When considered in this context, a more complex, nuanced picture of a system that is often quite adept at employing intersectional feminist legal reasoning to advance women's human rights emerges. Additionally, the IAHRs deserves considerable credit for being the first regional human rights system to develop an international treaty on ending violence against women, a treaty

which is framed in feminist terms and takes an expansive, systemic approach to eradicating gender-based violence.

Perhaps the most important milestone in the IAHRs's work on women's human rights during the 1990s, 2000s, and 2010s was the drawing up and implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention). Adopted on 9 June 1994 and entering into force on 5 March 1995, the Convention's preamble states that violence against women is 'a manifestation of the historically unequal power relations between men and women' and that it 'pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion.'⁷⁹ The references to historically unequal power relations between men and women, subordination, and the obligations placed on states parties to engage in systemic social change throughout the text of the Convention all exemplify the influence of feminist legal thinking and activism on this treaty. Article 9 suggests some awareness of the need for an intersectional approach by highlighting 'the vulnerability of women to violence' due to race, disability, age, and other factors.⁸⁰ However, the wording of this article implies a more "additive" than intersectional understanding of discrimination and oppression, implying that women are inherently more vulnerable due to additional identities rather than reflecting on how different identity categories and systems of power interact to create particular forms and experiences of oppression. Notwithstanding this limitation and legitimate concerns that the creation of a specialised treaty can result in women's human rights issues being seen as an add-on rather than integral to existing human rights treaties,⁸¹ the IAHRs has since made innovative use of new and existing mechanisms to have the Belém do Pará Convention reinforce rather than silo the protection of women's human rights. In 2004, the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) was established to monitor state implementation of the Convention and identify impediments to its full realisation.⁸² This and other key developments indicating the IAHRs's move to the vanguard among regional human rights systems for advancing women's human rights is the subject of the third and final section of this article.

5. PART THREE: 2013-PRESENT

Despite considerable challenges including restructuring and financial crises that affected the OAS in general and its human rights organs in particular,⁸³ as well as ongoing violence, inequality, political instability and corruption, in many respects the IAHRs's intersectional feminist approach to IHRL came into its own in this period. Representation of women on both the Commission and Court also improved considerably in this period: in 2012, the IACHR convened with a majority of women members,⁸⁴ and in 2016 the Court appointed its second ever woman president, Elizabeth Odio Benito.

Building upon the important developments of the preceding decades discussed above, since 2013 the IAHRs has demonstrated an increasing confidence and coherence in defending SRHRs. As arguably the most contested and controversial area of IHRL pertaining to women's and LGBTQI people's human rights, for the IAHRs to come out strongly in favour of SRHRs is indicative of a firm commitment to the human rights of women and LGBTQI people. Although conceptual and practical limitations still characterise the IAHRs's approach to SRHRs, that broad support for human rights issues such as abortion access and marriage equality is discernible within the IAHRs places this human rights system at the forefront of progressive, intersectional feminist approaches to IHRL.

SRHRs combine four distinct but interrelated fields: sexual health, sexual rights, reproductive health and reproductive rights. They affirm the rights and freedoms of people of all sexual orientations and gender identities to enjoy safe, satisfying sexual relations free of coercion, discrimination and violence, and to have the freedom to make informed decisions about their sexual and reproductive health, including if or when to have children.⁸⁵ In the past decade, the Commission 'has consistently reaffirmed the sexual and reproductive rights of women, noting that such issues also implicate the exercise of women's rights to life, integrity, dignity, and freedom, among other rights.'⁸⁶

A survey of the IACHR's annual, country, and thematic reports demonstrates a growing awareness of and commitment to intersectionality and SRHRs.⁸⁷ In its country reports during this period, the IACHR has continued to dedicate specific sections to women's human rights; it

protecting and advancing LGBTQI rights in the region.¹⁰³ In its 2017 advisory opinion on state obligations in relation to gender identity, equality and non-discrimination of same-sex couples, the Court declared that the right to have one’s name, public records, and identity records changed to conform to a person’s gender identity is protected under the ACHR, and that states must extend all existing legal mechanisms, including marriage, to same-sex couples.¹⁰⁴ A significant advance for LGBTQI rights (the “S” in “SRHRs”), it is in marked contrast to European human rights system’s jurisprudence on marriage equality, which holds that it is within states’ margin of appreciation as to whether or not to allow LGBTQI couples to marry and that article 12 of the European Convention should not be interpreted to extend the right to marriage to non-heterosexual couples.¹⁰⁵ As such, the IAHRs is very much leading the way on LGBTQI rights in IHRL.

In regard to the two Ecuadoran cases concerning women’s human rights and SRHRs alluded to above, in 2015 the IACtHR issued its judgment in the case of *Gonzales Lluy et al v Ecuador*, and in 2020 it issued its judgment in the case of *Guzmán Albarracín et al v Ecuador*. These cases concerned the state’s failure to protect Gonzales Lluy from discrimination on the basis of her HIV status and Guzmán Albarracín from sexual abuse in the education system. These cases are significant because the Court emphasised the centrality of intersectionality to identifying and addressing the multiple human rights violations in both cases.¹⁰⁶ *Gonzales Lluy et al v Ecuador* is particularly noteworthy for two reasons: it represents the first time that the Court explicitly refers to intersectionality in a judgment, and Judge Ferrer MacGregor Poisot’s concurring opinion articulates a clear understanding of intersectionality and also emphasises the importance of the Court adopting an intersectional approach to develop its non-discrimination jurisprudence.¹⁰⁷ This increased awareness of and commitment to an intersectional approach is also evident in the Court’s developing jurisprudence regarding El Salvador’s complete criminalisation of abortion, albeit with some ongoing limitations.

In its 2021 *Manuela and Others v El Salvador* judgment, the IACtHR found El Salvador responsible for violations of Manuela’s rights to personal liberty and presumption of

innocence in the context of pre-trial detention; her rights to judicial guarantees, personal integrity, and equality before the law at trial; and her rights to life, personal integrity, health, private life, and equality before the law while incarcerated.¹⁰⁸ They also found El Salvador responsible for violations of her parents’ and children’s rights to personal integrity due to the profound suffering and anguish caused by Manuela’s detention, trial, incarceration, and death.¹⁰⁹ *Manuela* illustrates how pregnant people experiencing obstetric emergencies are treated in El Salvador: pregnant people presenting with obstetric emergencies are often accused of the crime of abortion, a charge then increased to that of aggravated homicide, which requires automatic pretrial detention and can lead to a 40-year prison sentence.¹¹⁰ Despite the centrality of El Salvador’s abortion legislation to this case, and despite the opportunity that this case presented for the Court to articulate the position developed by the IACHR that abortion should at a minimum be decriminalised in certain circumstances, the IACtHR shied away from providing a resounding critique of El Salvador’s abortion legislation in this judgment. While there is evidence of intersectional feminist legal reasoning at certain points within the judgment, and while Judge Pérez Manrique’s concurring opinion indicates certain judges’ commitment to this approach, the Court’s unwillingness to address the root cause of the human rights violations in this case is surprising and disappointing.¹¹¹ It is hoped that the case of *Beatriz v El Salvador*, the subject of the 2013 provisional and precautionary measures discussed above, will provide the Court with the opportunity to articulate a more assertive and coherent stance on the need for abortion access as part of SRHRs and women’s human rights when it begins hearings later in 2022.¹¹²

6. CONCLUSION

In the nearly 75 years since the foundation of the OAS, the IAHRs has made vital contributions to the respect, protection, and fulfilment of women’s human rights. As this article demonstrated, this is largely because of the presence of a dedicated women’s rights body within the IAHRs; the particular socio-political context in which the IAHRs has evolved; and the system’s responsiveness to Latin American feminist praxis.

However, as this article has also highlighted, there is still considerable work to be done to realise women and LGBTQI people's rights in the region, and to ensure that IHRL truly represents and responds to their needs. Given the Commission and Court's longstanding receptiveness to intersectional feminist research and activism, it would seem there are reasons to be optimistic about – and somewhat patient with – this human rights system as it develops a more coherent approach

to realising gender justice. In many respects it encapsulates Menon's assertion that the law is 'a transformative and emancipatory instrument, flawed and recalcitrant though it may be.'¹¹³ While progress may be slow, uneven and on occasion reversed, intersectional feminist engagement with the language and mechanisms of IHRL remains a vital endeavour. The IAHRs has played and no doubt will continue to play an important role in this process.

NOTES

1. See for example IACtHR, *Gelman v Uruguay*, Merits and Reparations. Judgment of 24 February 2011, Series C, N^o. 221
2. IACtHR, *González et al. ("Cotton Field") v. Mexico*, Preliminary Objection, Merits, Reparations, and Costs. Judgment of 16 November 2009, Series C, N^o. 205
3. Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted 8/6/1999, entered into force 14/9/2001; Inter-American Convention on Protecting the Human Rights of Older Persons, adopted 15/6/2015, entered into force 11/1/2017
4. Ludovic Hennebel, 'The Inter-American Court of Human Rights: The Ambassador of Universalism' [2011] *Quebec Journal of International Law*, 60
5. Some notable exceptions from recent years include Patricia Palacio Zuloaga's work, and Isaac de Paz González, *The Social Rights Jurisprudence in the Inter-American Court of Human Rights: Shadow and Light in International Human Rights* (Cheltenham, Elgar 2018); Mônica Herz, *The Organization of American States (OAS)* (London, Routledge 2011); Cecilia Medina Quiroga, *The American Convention on Human Rights: Crucial Rights and their Theory and Practice* (2nd edn, Cambridge University Press/Intersentia 2016)
6. Patricia Palacios Zuloaga, 'The Path to Gender Justice in the Inter-American Court of Human Rights' (2008) 17(2) *Texas Journal of Women and the Law* 227
7. Rebecca Smyth, 'Gender and Justice in International Human Rights Law: The need for an intersectional feminist approach to advance sexual and reproductive health and rights' in Elaine Wood (ed) *Gender Justice: Theoretical Practices of Intersectional Identity* (Vancouver, Fairleigh Dickinson University Press 2020) 115-142
8. Berta Esperanza Hernández-Truyol, 'Human Rights Through a Gendered Lens Emergence, Evolution, Revolution' in Kelly D Askin and Dorean M Koenig (eds) *Women and International Human Rights Law Volume 1* (New York, Transnational Publishers 1999) 31. See also BS Chimni, 'Third World Approaches to International Law: A Manifesto' (2006) 8 *International Community Law Review* 3; Makau W Mutua, 'What is TWAIL?' (2000) 94 *American Society of International Law Proceedings* 31
9. Devon W Carbado, Kimberlé Williams Crenshaw, Vicki M Mays, Barbara Tomlinson, 'Intersectionality: Mapping the Movements of a Theory' (2013) 10(2) *DuBois Review*, 303
10. David Forsythe, 'Human Rights, the United States and the Organization of American States' (1991) *HRQ*, 80-83, 86-7; Herz, *The Organization of American States (OAS)* 63; Hennebel, 'The Inter-American Court of Human Rights', 60; IACHR '2012 Annual Report' (OEA/Ser.L/V/II.147 Doc. 1 5 March 2013) paras 6-7; Kathryn Sikkink, 'Human Rights, Principled Issue-Networks, and Sovereignty in Latin America' (1993) 47 *International Organization*, 427-8. Nancy Thède, Hughes Brisson, 'International Relations and the Inter-American System for Human Rights Promotion and Protection: Strategic Exploitation of Windows of Opportunity' [2011] *Quebec Journal of International Law*, 13, 15-6; David Weissbrodt, Maria Luisa Bartolomei, 'The Effectiveness of International Human Rights Pressures: The Case of Argentina, 1976-1983' (1991) 75 *Minnesota Law Review*, 1019-1025, 1032-3.
11. CIM, 'A Brief History of the Inter-American Commission of Women' (Washington DC, CIM, 2001) <[https://oas.org/en/cim/docs/Brief-History\[EN\].pdf](https://oas.org/en/cim/docs/Brief-History[EN].pdf)> accessed 1 May 2022, 7; Ellen DuBois, Lauren Derby, 'The Strange Case of Minerva Bernardino: Pan American and United Nations women's right activist' (2009) 32 *Women's Studies International Forum*, 45.
12. Herz, *The Organization of American States*, 8-9.
13. CIM 'A Brief History of the Inter-American Commission of Women' 1-3; Mary K Meyer, 'Negotiating International Norms: The Inter-American Commission of Women and the Convention on Violence against Women' (1998) 24 *Aggressive Behaviour*, 136-139; Stephanie Rivera Berruz, 'Latin American Feminism' in Edward N Zalta (ed) *The Stanford Encyclopedia of Philosophy* (summer 2021 edition) <<https://plato.stanford.edu/entries/feminism-latin-america/>> accessed 1 May 2022.

14. Herz, *The Organization of American States*, 10; CIM, 'Brief History', 2-3.
15. *ibid.*
16. *ibid.*
17. *ibid.*
18. CIM, 'Brief History' 3; Convention on the Nationality of Women (signed at the Seventh International Conference of American States, 26 December 1933). For a detailed account of the contested process leading to the ratification of the 1933 Treaty (with a focus on US delegates), see Paolo Amorosa, 'Pioneering International Women's Rights? The US National Woman's Party and the 1933 Montevideo Equal Rights Treaties' (2019) 30:2 EJIL 415-437.
19. Meyer, 'Negotiating International Norms' 138.
20. DuBois, Derby 'The Strange Case of Minerva Bernardino', 47; ECOSOC Resolution 11(II) 'Commission on the Status of Women, Resolution adopted 21 June 1946 (document E/90 and document E/84) para 6.
21. Rebecca Adami, 'Intersectional Dialogue: Analyzing Power in Reaching a Universal Declaration of Human Rights in 1948 on Conflicting Grounds' (2018) 17 Journal of Human Rights 359.
22. *ibid.*, 359, 361; E DuBois, L Derby, 'The Strange Case of Minerva Bernardino', 48.
23. Felice Gaer, 'Women, International Law and International Institutions' (2009) 32:1 Women's Studies International Forum, 61
24. Meyer, 'Negotiating International Norms' 139.
25. CIM, 'Brief History', 5.
26. The American Declaration of the Rights and Duties of Man was adopted at the Ninth International Conference of American States and became effective in May 1948, making it the first general international human rights instrument in the world as it predated the UDHR by seven months.
27. Final Act of the Fifth Meeting of the Consultation of Ministers of Foreign Affairs, Santiago, Chile, 12-18 August, 1959, Resolution VII para II <<https://www.oas.org/consejo/MEETINGS%20OF%20CONSULTATION/minutes.asp>> accessed 21 June 2019; IACHR, 'Brief History' <<https://www.oas.org/en/iachr/mandate/what.asp>> accessed 21 June 2019; Resolution XXII of the Second Special Inter-American Conference, Rio de Janeiro, Brazil, November 17-30, 1965 'Expanded Functions of the Inter-American Commission on Human Rights'
28. Herz, *The Organization of American States*, 12-14; Betty Horwitz, *The Transformation of the Organization of American States: A Multilateral Framework for Regional Governance* (New York, Anthem Press 2011) 32, 23-25.
29. Forsythe, 'Human Rights, the United States and the Organization of American States' 80-83; IACHR, 'Informe sobre la situación de los derechos humanos en la República de Cuba' OEA/Ser.L/V/II.4 doc. 2, 20 marzo 1962; IACHR, 'Informe sobre la situación de los presos políticos y sus familiares en Cuba' OEA/Ser.L/V/II. Doc. 4, 17 mayo 1963; IACHR, 'Informe sobre la actuación de la Comisión interamericana de derechos humanos en la República Dominicana' OEA/Ser.L/V/II.3 doc. 14 Rev., 15 octubre 1965; IACHR, 'Report of the Inter-American Commission on Human Rights on its Activities in the Dominican Republic' OEA/Ser.L/V/II.15 doc. 6 Rev., 28 October 1966; IACHR, 'Informe sobre la situación de los derechos humanos en Cuba' OEA/Ser.L/V/II.17 Doc. 4, 7 abril 1967; IACHR, 'Informe sobre la situación de los derechos humanos en Haití' OEA/Ser.L/V/II.21 doc. 6 Rev., 21 may 1969.
30. Thede, Brisson, 'International Relations and the Inter-American System for Human Rights Promotion and Protection' 15-6.
31. Nancy Saporta Sternbach, Marysa Navarro-Aranguren, Patricia Chuchryk, Sonia E Alvarez, 'Feminisms in Latin America: From Bogotá to San Bernardo' (1992) 17:2 Signs, 397.
32. *ibid.*, 401-3.
33. Arvonne S Fraser, 'Becoming Human: The Origins and Development of Women's Human Rights' (1991) 21:4 HRQ, 894; UNGA Resolution 3520 (XXX), 15 December 1975.
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