

CALL FOR ABSTRACTS

35 YEARS OF INTER-AMERICAN COURT OF HUMAN RIGHTS: THEORY AND PRACTICE, PRESENT AND FUTURE

The Inter-American Court of Human Rights (the Court), together with the Inter-American Commission of Human Rights (the Commission), makes up the human rights protection system of the Organization of American States (OAS), which serves to uphold and promote basic rights and freedoms in the Americas. Along with the European and African systems, the Inter-American System of Human Rights is one of the three principal regional human rights protection mechanisms.

The Inter-American Court was created by the American Convention on Human Rights in 1969, but became operational in 1979, after the OAS's General Assembly elected its first judges. In 2014 the Court will have 35 years of existence.

Dozens of advisory opinions and judicial decisions have been adopted during this time, covering a growing number of issues, from traditional themes as extrajudicial executions, forced disappearances, torture, unlawful searches, to new generation of cases, such as indigenous and ethnic communities' rights, social rights, various guarantees in the prosecution, etc.

The Human Rights Centre of Ghent University is seeking original proposals for research papers that will result in a peer-reviewed book on the Inter-American Court and its 35 years of existence, which will be presented and the topics of which will be the subject of discussion on an international conference on the same topic, to be organised by the Human Rights Centre. With this book and the ensuing conference, where a selected number of authors will be invited to speak, we seek to take stock of the state of the art of the Court's potentialities and weaknesses, to reveal how and why the Court's case law, advisory opinions, and orders remain an area of academic and pedagogical interest, and to contribute to the process of discussion on the strengthening of the Inter-American System that has been taking place in the past years, and resulted in, *inter alia*, the reform of the Court's Rules of Procedure.

THE BOOK

The book has two main sections: a general section and a case-study section. The general section is dedicated to the study of the functioning of the Court and its relation with other international bodies, including the Inter-America Commission, as well as national courts and tribunals. The case-study section will cover the most important judgments, advisory opinions, orders for provisional measures and monitoring of compliance issued by the Court during its existence. Particular attention will be paid to the cases decided in the last 10 years, the most active period of the Court.

The preliminary structure of the book is the following:

PART I

THE FUNCTIONING OF THE COURT AND ITS RELATIONS WITH OTHER (INTER)NATIONAL TRIBUNALS AND BODIES

A. *Functioning of the Court*

1. Appointment, election and nomination of judges
2. Strengths and/or weaknesses of the Court
3. The legitimacy of the Court
4. The new Rules of Procedures of the Court

5. *Amicus curiae* before the Court
6. Fact-finding, witnesses and expert witnesses before the Court
7. Discontinuance, acquiescence, and friendly settlements before the Court
8. Concurring and dissenting opinions
9. Provisional measures
10. Reparations
11. Compliance with the Court's judgments and orders
12. The future of the Court and the Inter-American System

B. Reasoning of the Court

13. The processes of interpretation, reasoning, and argumentation used by the Court
14. The evaluation of evidence by the Court
15. The Court's use of soft law and global conventions.
16. Cultural relativism and interculturality before the Court

C. The Court and the Inter-American Commission

17. The interaction between the Commission and the Court
18. The new role of the Commission in the proceedings before the Court
19. The Court's jurisdiction to review the Commission's decisions

D. Victims before the Court

20. Victims' access to the Court
21. Victims' *locus standi*
22. Identification of victims
23. The Inter-American Defender
24. The Victims' Legal Assistance Fund

E. States before the Court

25. The referral of cases to the Court by the States
26. Rights of the States during the proceedings before the Court
27. Preliminary objections and challenges of admissibility
28. Funding of the Court
29. The Court and the Organization of American States and its political bodies
30. Inter-state cases

F. The Court and other international tribunals and bodies

31. The mutual interaction or influence between the Inter-American Court and:
 - 31.1. The European Court of Human Rights,
 - 31.2. The African Commission and Court on Human and Peoples' Rights,
 - 31.3. The International Court of Justice,
 - 31.4. The International Criminal Court, and
 - 31.5. The United Nations' treaty bodies (HRC, CAT, CEDAW, CRC, etc.)

G. The Court and national judges and tribunals

32. The legal impact of the Court's judgments and orders in the domestic legal systems
33. The legal impact of the domestic case law in the Court's decisions
34. The conventionality control
35. The mutual interaction or influence between the Court and national tribunals

PART II

LANDMARK DECISIONS OF THE COURT (CASE-STUDIES)

1. Indigenous peoples rights

- Xákmok Kásek Indigenous Community v. Paraguay.
- Chitay Nech et al. v. Guatemala.
- Tiu-Tojín v. Guatemala.

- Saramaka People v. Suriname
- Escué-Zapata v. Colombia.
- Sawhoyamaya Indigenous Community v. Paraguay.
- Moiwana Community v. Suriname.
- Yakyé Axa Indigenous Community v. Paraguay.
- López-Álvarez v. Honduras.
- Yatama v. Nicaragua.
- Mayagna (Sumo) Awas Tingni Community v. Nicaragua.

2. *Forced disappearances*

- Gonzalez-Medina and relatives v. Dominican Republic.
- Torres Millacura et al. v. Argentina.
- Ibsen-Cárdenas and Ibsen-Peña v. Bolivia.
- Anzualdo-Castro v. Peru.
- Ticona-Estrada et al. v. Bolivia.
- Heliodoro-Portugal v. Panama.
- Goiburú et al. v. Paraguay.
- Gómez-Palomino v. Peru.

3. *Forced disappearances of children*

- Contreras et al. v. El Salvador.
- Gelman v. Uruguay.
- Serrano-Cruz Sisters v. El Salvador.
- Molina-Theissen v. Guatemala.

4. *LGBT rights*

- Atala Riffo and Daughters v. Chile.

5. *Freedom of expression*

- Fontovecchia y D`Amico v. Argentina.
- Usón Ramírez v. Venezuela.
- Perozo et al. v. Venezuela.
- Ríos et al. v. Venezuela.
- Kimel v. Argentina.
- Claude-Reyes et al. v. Chile.
- Palamara-Iribarne v. Chile.
- Ricardo Canese v. Paraguay.
- Herrera-Ulloa v. Costa Rica.
- Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism. Advisory Opinion OC-5.

6. *Human rights defenders*

- Fleury et al. v. Haiti.
- Cabrera-García and Montiel-Flores v. Mexico.
- Kawas-Fernández v. Honduras.
- Valle-Jaramillo et al. v. Colombia.

7. *Judicial protection*

- Barbani Duarte et al. v. Uruguay.
- Mejía-Idrovo v. Ecuador.
- Acevedo-Jaramillo et al. v. Peru.

8. *Political Rights*

- López Mendoza v. Venezuela.
- Manuel Cepeda-Vargas v. Colombia.
- Castañeda-Gutman v. Mexico.

- Yatama v. Nicaragua.

9. *Independence and impartiality of domestic judges and tribunals*

- Chocrón-Chocrón v. Venezuela.
- Reverón-Trujillo v. Venezuela.
- Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela.

10. *Persons deprived of their liberty*

- Vera-Vera et al. v. Ecuador
- Miguel Castro-Castro Prison v. Peru.
- Montero-Aranguren et al. (Detention Center of Catia) v. Venezuela.
- López-Álvarez v. Honduras.
- Acosta-Calderón v. Ecuador.
- Case of Tibi v. Ecuador.
- "Juvenile Reeducation Institute" v. Paraguay.

11. *Women’s rights*

- Rosendo Cantú et al. v. Mexico.
- Fernández Ortega et al. v. Mexico.
- González et al. (“Cotton Field”) v. Mexico.
- Miguel Castro-Castro Prison v. Peru.

12. *Right to Private Property*

- Salvador-Chiriboga v. Ecuador.
- Abril-Alosilla et al. v. Peru.

13. *Torture*

- Bueno-Alves v. Argentina.
- Bayarri v. Argentina
- Cabrera-García and Montiel-Flores v. Mexico.
- Rosendo Cantú et al. v. Mexico.
- Fernández Ortega et al. v. Mexico.
- Cantoral-Huamaní and García-Santa Cruz v. Peru.
- Caesar v. Trinidad and Tobago.
- Case of Tibi v. Ecuador.

14. *Amnesty Laws*

- Gomes-Lund et al. (Guerrilha do Araguaia) v. Brazil.
- Gelman v. Uruguay.
- Almonacid-Arellano et al. v. Chile.
- Barrios Altos v. Peru.

15. *Migrants*

- Vélez Loo v. Panama.
- Juridical Condition and Rights of Undocumented Migrants. Advisory Opinion OC-18.

16. *Extrajudicial executions*

- Manuel Cepeda-Vargas v. Colombia.
- “Las Dos Erres” Massacre v. Guatemala.
- Garibaldi v. Brazil.
- Escué-Zapata. v. Colombia.
- The Rochela Massacre v. Colombia.
- García-Prieto et al. v. El Salvador.
- Cantoral-Huamaní and García-Santa Cruz v. Peru.
- Zambrano-Vélez et al. v. Ecuador.
- Pueblo Bello Massacre v. Colombia.

- Mapiripán Massacre v. Colombia.

17. Economic, social, and cultural rights

- Acevedo-Buendía et al. ("Discharged and Retired Employees of the Office of the Comptroller") v. Peru.
- "Five Pensioners" v. Peru.

18. Military tribunals

- Radilla-Pacheco v. Mexico.
- Usón Ramírez v. Venezuela.
- Almonacid-Arellano et al. v. Chile.
- Palamara-Iribarne v. Chile.

19. Right to appeal

- Barreto-Leiva v. Venezuela.
- Herrera-Ulloa v. Costa Rica.

20. Death penalty

- Dacosta-Cadogan v. Barbados.
- Boyce et al. v. Barbados.
- Raxcacó-Reyes v. Guatemala.
- Fermín Ramírez v. Guatemala.
- Restrictions to the Death Penalty (Arts. 4(2) and 4(4) American Convention on Human Rights). Advisory Opinion OC-3/83.

21. Interception and dissemination of telephone conversations

- Escher et al. v. Brazil.
- Tristán-Donoso v. Panama.

22. Illegal and arbitrary detentions

- Chaparro-Álvarez and Lapo-Íñiguez v. Ecuador.
- Yvon Neptune v. Haiti.

23. Nationality

- Girls Yean and Bosico v. Dominican Republic.

24. Children's rights

- Servellón-García et al. v. Honduras.
- Serrano-Cruz Sisters v. El Salvador.
- Girls Yean and Bosico v. Dominican Republic.
- "Juvenile Reeducation Institute" v. Paraguay.
- Gómez-Paquiyaui Brothers v. Peru.
- Bulacio v. Argentina.
- Juridical Condition and Human Rights of the Child. Advisory Opinion OC-17.

25. Use of force

- Montero-Aranguren et al. (Detention Center of Catia) v. Venezuela.

26. Persons with disabilities

- Ximenes-Lopes v. Brazil.

27. Freedom from slavery

- Ituango Massacres v. Colombia.

CONTRIBUTIONS

- Authors may decide to contribute in any of the above mentioned topics or cases.
- Authors may also choose to comment one case only or on all relevant cases of one topic.
- Authors are also free to suggest other topics or cases not listed in Part I or Part II.
- Individual or team contributions will be accepted.
- The contributions must be original. Articles or book chapters already published (whether in English or any other language) will not be accepted.
- Legal researchers, academics, practitioners, LLM or PhD students, post-doctoral researchers, and legal scholars are invited to submit original proposals.
- Researchers of other social sciences may also present proposals.
- Undergraduate students may not participate unless as a co-author.

LANGUAGE

The book is expected to be a bilingual publication (English and Spanish). However, at least 80% of the chapters will be in English. Therefore, authors are strongly advised to submit their proposals in English.

PROCEDURE

Stage 1: Call for Abstracts

- The Human Rights Centre requests preliminary statements of research projects (abstracts) not to exceed 1,000 words (including footnotes). The abstracts should include:
 - i) a (preliminary) title of the proposed contribution;
 - ii) an indication of whether the contribution is related to the first or the second section of the book;
 - iii) a brief description of the issue(s) addressed in the contribution;
 - iv) the proposed research question(s); and
 - v) a brief description of the academic or practical relevance of the proposed research.
- The abstracts shall not include any reference to the author, in order to facilitate the double blind peer-review.
- Authors should also send a CV (max. 3 pages) in a separate file.
- Each author may submit up to 2 abstracts, whether individually or collectively.
- Only electronic documents in Word format will be accepted on the following email address: ugenthrc@yahoo.com
- The deadline for the submission of the abstracts is **15 November 2012**.
- Authors are requested to follow the [authors' guidelines](#).

Stage 2: Double-blind peer-review and invitation to submit articles

- The editorial board will blindly review each submitted abstract and will announce its decision no later than **15 February 2013**.
- The selected authors will be invited to develop the research proposal further and to present an academic article.
- Authors that were not selected for the book, may, if the abstract is of quality, be invited to present an academic article for the next volumes of the *Inter-American and European Human Rights Journal*.
- Articles related to the general part of the book (Part I) should contain a minimum of 5,000 words and a maximum of 10,000 words (footnotes included).

- Articles related to the case-study section of the book (Part II) should contain a minimum of 5,000 words and a maximum of 8,000 words (footnotes included).
- Longer articles will be accepted exceptionally.
- All papers shall be sent to the following email address 35YearsInterAmericanCourt@gmail.com no later than **16 September 2013**.
- Authors are requested to follow the authors' guidelines.

Stage 3: Review of papers, corrections and publication

- After receiving the papers submitted by the authors, the Editorial Committee will review each piece and may accept it without comments, with comments, or may reject the piece.
- The decision of the Committee will be announced on **16 December 2013**.
- If the Editorial Committee decides to accept an article with comments, authors will be given until **15 January 2014** to insert the comments, suggestions or corrections made by the Committee.
- The book will be published in the first semester of 2014 by Intersentia Publishers (Cambridge/Antwerp).
- For each contribution 2 copies of the book will be provided (irrespective of the number of authors), and a discount of 25% per additional copy.

Stage 4: Selection of speakers for International Conference “35 Years of Inter-American Court of Human Rights: Theory and Practice, Present and Future” (to be organised by the Human Rights Centre in 2014).

EDITORIAL COMMITTEE

- Prof. Dr. Yves Haeck, Professor of International Human Rights Law, Human Rights Centre, Ghent University, Belgium.
- Dr. Clara Burbano Herrera, Postdoctoral Research Fellow, Human Rights Centre, Ghent University, Belgium.
- Mr. Oswaldo Ruiz Chiriboga, Research Fellow, Human Rights Centre, Ghent University.

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HUMAN RIGHTS CENTRE, GHENT UNIVERSITY

The *Human Rights Centre of Ghent University* aims to promote and coordinate research in the field of international human rights, to provide education and disseminate information on human rights and freedoms, both in Belgium and abroad. Its research activities are mainly focused on the functioning of regional human rights systems. The Human Rights Centre is currently composed of 45 researchers from all over the globe (at the level of professor, postdoctoral or doctoral researchers). The Human Rights Centre works closely together with African-, European- and Latin American-based universities, institutes and research centres, united in the Latin American and European Network on Human Rights. Its members host a number of influential blogs on the functioning and the case law of the Inter-American Court of Human Rights (<http://corteidhblog.blogspot.com>), on the case law of the European Court of Human Rights (<http://strasbourgobservers.com>), and on the top international human rights courses and traineeships in Europe (<http://www.internationalhumanrightscourses.blogspot.com>). The Human Rights Centre also edits the “Inter-American & European Human Rights Journal / Revista Interamericana & Europea de Derechos Humanos”, a journal that aims to offer an international platform for research in the field of human rights of relevance for (Latin) America and Europe.