
Inter-American Human Rights System: evolution, impact, and challenges in regional protection

Sistema Interamericano de Derechos Humanos: evolución, impacto y desafíos en la protección regional

Sistema Interamericano de Direitos Humanos: evolução, impacto e desafios na proteção regional

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ABSTRACT

The Inter-American Human Rights System is a fundamental mechanism for the protection of fundamental rights in Latin America, notable for its normative and institutional evolution. The objective of this study was to analyze its evolution, impact, and main challenges in regional protection. To this end, a qualitative methodology was employed, based on a narrative review with systematic elements, supported by the analysis of jurisprudence from the Inter-American Court of Human Rights, documents from the Inter-American Commission on Human Rights, and relevant doctrinal contributions. The results showed that the system has managed to consolidate significant international standards, especially through the Court's jurisprudence, influencing internal reforms and the protection of human rights in the States. However, limitations were identified related to compliance with decisions and the institutional capacity of the States to implement them effectively. In conclusion, the Inter-American System has had a significant impact on the region; However, its effectiveness depends on strengthening compliance mechanisms, state political will, and institutional sustainability. The need to continue promoting a legal culture oriented toward the effective protection of human rights is emphasized.

Keywords: Inter-American System, Human Rights, Inter-American Court of Human Rights, Regional Protection

Resumen

El Sistema Interamericano de Derechos Humanos constituye un mecanismo fundamental para la protección de los derechos fundamentales en América Latina, destacándose por su evolución normativa e institucional. El objetivo del presente estudio fue analizar su evolución, impacto y principales desafíos en la protección regional. Para ello, se empleó una metodología cualitativa basada en una revisión narrativa con elementos sistemáticos, sustentada en el análisis de jurisprudencia de la Corte Interamericana de Derechos Humanos, documentos de la Comisión Interamericana de Derechos Humanos y aportes doctrinales relevantes. Los resultados evidenciaron que el sistema ha logrado consolidar estándares internacionales significativos, especialmente a través de la jurisprudencia de la Corte, influyendo en reformas internas y en la protección de los derechos humanos en los Estados. No obstante, se identificaron limitaciones relacionadas con el cumplimiento de las decisiones y la capacidad institucional de los Estados para implementarlas de manera efectiva. En conclusión, el Sistema Interamericano ha tenido un impacto relevante en la región; sin embargo, su eficacia depende del fortalecimiento de los mecanismos de cumplimiento, la voluntad política estatal y la sostenibilidad institucional. Se destaca la necesidad de continuar promoviendo una cultura jurídica orientada a la protección efectiva de los derechos humanos.

Palabras clave: Sistema Interamericano, Derechos humanos, Corte IDH, Protección regional

Resumo

O Sistema Interamericano de Direitos Humanos é um mecanismo fundamental para a proteção dos direitos fundamentais na América Latina, notável pela sua evolução normativa e institucional. O objetivo deste estudo foi analisar a sua evolução, impacto e principais desafios na proteção regional. Para tal, foi empregue uma metodologia qualitativa, baseada numa revisão narrativa com elementos sistemáticos, apoiada na análise da jurisprudência da Corte Interamericana de Direitos Humanos, de documentos da Comissão Interamericana de Direitos Humanos e de contributos doutrinários relevantes. Os resultados mostraram que o sistema conseguiu consolidar importantes padrões internacionais, especialmente através da jurisprudência do Tribunal, influenciando as reformas internas e a proteção dos direitos humanos nos Estados. Contudo, foram identificadas limitações relacionadas com o cumprimento das decisões e com a capacidade institucional dos Estados para as implementar eficazmente. Em conclusão, o Sistema Interamericano teve um impacto significativo na região; contudo, a sua eficácia depende do reforço dos mecanismos de cumprimento, da vontade política dos Estados e da sustentabilidade institucional. Salienta-se a necessidade de continuar a promover uma cultura jurídica orientada para a proteção efetiva dos direitos humanos.

Palavras-chave: Sistema Interamericano, Direitos Humanos, Tribunal Interamericano de Direitos Humanos, Proteção Regional

Introduction

The Inter-American Human Rights System constitutes one of the most significant regional mechanisms for the protection and guarantee of fundamental rights in the Americas. Its origins can be traced to the institutionalization of international human rights law following the Second World War, in a context marked by the need to establish limits on state power and prevent systematic violations. Within this framework, the creation of the Organization of American States (OAS) in 1948 and the subsequent adoption of the American Convention on Human Rights consolidated the legal and institutional foundations of the system (Salmón, 2019). Consequently, the progressive development of bodies such as the Inter-American

Commission on Human Rights and the Inter-American Court of Human Rights has shaped a regional model aimed at the supervision, interpretation, and effective protection of human rights.

From a historical and doctrinal perspective, the Inter-American System has undergone significant evolution, transitioning from a predominantly declaratory framework to a jurisdictional mechanism capable of issuing binding decisions for States. As Salvioli (2007) argues, this evolution has been driven both by social demands and by the political contexts of the region, particularly during periods characterized by dictatorships, internal armed conflicts, and serious human rights violations. In this regard, the jurisprudence of the Inter-American Court has played a fundamental role in the construction of international standards, consolidating principles such as conventionality control and the *pro persona* interpretation (Llugdar, 2016). These doctrinal tools have strengthened the interaction between domestic and international law, expanding the scope of protection afforded to fundamental rights.

The importance of the Inter-American System in Latin America lies not only in its jurisdictional function but also in its capacity to promote structural transformations within States. Numerous studies highlight the role of civil society organizations in activating the system through strategic litigation, thereby making human rights violations visible and fostering normative and institutional reforms (Marín-Aranguren & Jaramillo, 2020). Likewise, the intervention of the Inter-American Court has been decisive in landmark cases that have contributed to victim reparation and the strengthening of the rule of law across the region (Jiménez Mayor, 2024). Thus, the system has become a key instrument for democratic consolidation and the effective protection of human rights.

Despite its achievements and contributions, however, the Inter-American Human Rights System faces important challenges concerning the effectiveness of its decisions and the level of compliance by States. The implementation of judgments issued by the Inter-American Court and the recommendations of the Inter-American Commission remains a critical issue, particularly in contexts characterized by institutional weaknesses or limited political will. As Zavala de Alba (2015) notes, governance in the field of human rights requires not only adequate legal frameworks but also effective mechanisms for enforcement and monitoring. Similarly, recent studies indicate that international human rights systems face structural limitations that affect their capacity for effective intervention and supervision (Moyano Ortiz et al., 2024).

Accordingly, the central problem addressed in this research concerns the tension between the normative and institutional development of the Inter-American System and its actual effectiveness in protecting human rights throughout the region. This issue raises important questions regarding the system's ability to generate concrete changes within States and ensure comprehensive reparation for victims, as well as the factors that influence compliance with its decisions. Therefore, it is necessary to examine not only the progress achieved but also the persistent limitations and challenges that condition its operation.

Within this context, the objective of the present study is to analyze the evolution, impact, and principal challenges of the Inter-American Human Rights System in regional protection, with particular emphasis on its effectiveness and the degree of State compliance with its decisions. To achieve this purpose, the following research questions are proposed: How has the Inter-American System evolved in normative and institutional terms? What has been its impact on the protection of human rights in Latin America? And what factors explain the difficulties encountered in the implementation and compliance with its decisions? These questions guide the development of the study and provide a comprehensive framework for examining the complexity of the system in the contemporary context.

Methodology

This study was conducted under a qualitative approach, employing a narrative review with systematic elements aimed at analyzing the Inter-American Human Rights System from a legal and doctrinal perspective. This approach enabled a comprehensive examination of the system's evolution, impact, and challenges through the critical interpretation of specialized sources. Qualitative research was considered appropriate due to its capacity to understand complex phenomena within social and normative contexts, prioritizing interpretative analysis over quantitative measurement (Espinoza Freire, 2020). Furthermore, this type of review facilitated the identification of patterns, trends, and gaps in the existing literature.

Regarding data sources, the study primarily relied on the jurisprudence issued by the Inter-American Court of Human Rights, as well as reports and resolutions adopted by the Inter-American Commission on Human Rights, both of which constitute fundamental pillars of the system. In addition, doctrinal contributions from books, scientific articles, and academic documents indexed in recognized databases were examined. The selection of these sources was based on their relevance, timeliness, and scientific rigor, in accordance with methodological criteria for academic information retrieval (Espinoza Freire, 2020; Espinoza-Freire, 2025). This process contributed to the development of a robust and well-founded analytical framework.

Specific selection criteria were established to guide the inclusion of the analyzed documents. First, priority was given to works published in recent years, while also incorporating classical reference studies in the field of international human rights law. Second, emphasis was placed on texts directly addressing the functioning, effectiveness, and challenges of the Inter-American System. Likewise, landmark judicial decisions illustrating the development of international human rights standards were included. The critical examination of these materials was conducted according to legal analytical criteria designed to identify the strength of arguments, coherence, and normative validity (Morales Carrero, 2025).

The analytical method constituted the foundation of the research process, allowing the object of study to be broken down into its essential components for a deeper understanding. This method facilitated a detailed examination of normative evolution, judicial interpretation, and the factors influencing compliance with the system's decisions. According to Monebhurrin (2017), legal analysis involves not only describing legal norms but also interpreting, arguing, and evaluating their application within specific contexts. Accordingly, legal reasoning techniques and doctrinal comparison were employed, enabling the establishment of connections between theory and practice.

Finally, the methodological process was complemented by critical reading and information systematization techniques, ensuring the internal coherence of the study. Data were organized through previously defined thematic categories, facilitating the interpretation of findings. This procedure enabled the integration of diverse theoretical and empirical perspectives regarding the Inter-American System, thereby strengthening the validity of the analysis. Consistent with Olvera García (2015), legal research requires methodological rigor and clarity in the presentation of arguments, both of which were considered throughout the development of this study.

Development

Origin and Structure of the Inter-American Human Rights System

The Inter-American Human Rights System is structured as an institutional and normative framework aimed at the promotion, protection, and guarantee of fundamental rights

throughout the Americas. Its structure is primarily composed of two bodies: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, which perform complementary functions within the system. This configuration emerged from the need to establish effective international supervisory mechanisms capable of responding to human rights violations committed by States, thereby consolidating a regional model with distinctive features within international human rights law.

The Inter-American Commission serves as the quasi-judicial body responsible for the promotion and protection of human rights through the receipt of individual petitions, the issuance of reports, and the formulation of recommendations to States. Its work has been instrumental in exposing systematic human rights violations and channeling complaints that may subsequently be submitted to the Court. According to Woolcott Oyague and Monje Mayorca (2018), the Commission has significantly contributed to the development of concepts such as damage to a life project, thereby broadening the understanding of harms affecting human dignity. Moreover, its role has been particularly important in contexts of armed conflict and institutional crises, where domestic mechanisms often prove insufficient.

The Inter-American Court, in turn, constitutes the judicial body of the system, vested with the authority to issue binding judgments and establish interpretative standards in the field of human rights. Its mandate extends beyond the resolution of disputes, encompassing the progressive development of jurisprudential doctrines that guide States in adapting their domestic legal systems. According to the Inter-American Court of Human Rights (2018), its operation is grounded in principles such as subsidiarity, complementarity, and the effective protection of victims. In this regard, Barrera (2017) emphasizes that the Court has developed innovative criteria concerning comprehensive reparation, consolidating a victim-centered approach based on human dignity.

With respect to the applicable legal framework, the Inter-American System is primarily based on the American Convention on Human Rights and other complementary instruments that together constitute the Inter-American corpus juris. The interpretation of these norms has been enriched through the Court's jurisprudence, which has established influential doctrinal lines across various areas of law. Ferrer Mac-Gregor (2014) identifies multiple jurisprudential developments that have significantly influenced criminal justice and the protection of procedural guarantees. Similarly, Garat (2016) highlights the recognition of the right to health as an essential component of the rights to life and personal integrity, demonstrating the system's capacity to adapt to emerging realities.

Evolution of the System

The evolution of the Inter-American Human Rights System has been closely linked to the historical development of human rights at both the global and regional levels. Since the mid-twentieth century, the progressive recognition of human rights has led to the consolidation of international mechanisms aimed at their protection. Berrocal Duran et al. (2023) argue that this process has been shaped by transitions from authoritarian regimes to more open democratic systems, thereby strengthening the institutions responsible for safeguarding fundamental rights. Within this context, the Inter-American System has played a pivotal role in the consolidation of international human rights standards.

In its initial phase, the system was predominantly declaratory in nature, focusing on the promotion of general principles without effective mechanisms of enforceability. Subsequently, with the entry into force of the American Convention on Human Rights, the system underwent a transformation toward a more institutionalized model characterized by the establishment of specialized bodies and the incorporation of contentious procedures. García (2010) notes that this evolution reflects the progressive juridification of human rights, enabling their

adjudication before international bodies. This transformation represented a turning point in regional human rights protection.

The expansion of the system's competencies constitutes another key aspect of its development. Initially, the intervention of Inter-American bodies was relatively limited; however, over time, their capacity to address a broader range of violations and issue decisions with significant legal effects has increased considerably. Allauca-Cacedo et al. (2023) argue that this expansion has responded to the need to address emerging challenges, including economic, social, and cultural rights, as well as the protection of vulnerable groups. Consequently, the system has evolved toward a more comprehensive and inclusive approach to human rights protection.

Furthermore, the evolution of the system has been strongly influenced by the jurisprudence of the Inter-American Court, which has established innovative standards for the interpretation of human rights. This body of jurisprudence has contributed to the consolidation of principles such as progressivity and the interdependence of rights, thereby strengthening their protection. As a result, the Inter-American System has evolved not only in institutional terms but also in its capacity to influence the legal and social realities of States throughout the region.

Impact on States

The impact of the Inter-American Human Rights System on States is primarily manifested through compliance with the judgments issued by the Inter-American Court of Human Rights. These decisions are legally binding and require States to adopt comprehensive reparation measures, including both monetary compensation and structural reforms. Von Bogdandy et al. (2019) argue that compliance with these judgments has contributed to transforming legal and social realities, thereby promoting the effective protection of human rights throughout the region. Nevertheless, the extent of this impact varies according to the political and institutional context of each country.

Assessing compliance with judicial decisions remains both a methodological and practical challenge. Huertas Díaz et al. (2022) propose analytical approaches for measuring the degree of implementation of Court decisions by considering factors such as political will, institutional capacity, and civil society participation. These elements directly influence the effectiveness of the system and highlight the need to strengthen monitoring and supervisory mechanisms. In this regard, compliance should not be understood merely as a formal obligation but rather as a dynamic process aimed at ensuring effective reparation for victims.

Beyond the implementation of judicial decisions, the impact of the system is also reflected in the domestic reforms adopted by States. Such reforms may include legislative amendments, public policies, and institutional transformations designed to prevent future human rights violations. Urrejola Noguera (2020) emphasizes that the Inter-American Commission has played a pivotal role in promoting these reforms through thematic reports and recommendations. Consequently, the Inter-American System functions as a catalyst for structural change throughout the region.

Relevant Jurisprudence

The jurisprudence of the Inter-American Court of Human Rights constitutes one of the principal sources for the development of international human rights law at the regional level. Through its decisions, the Court has addressed landmark cases that have exposed serious human rights violations and established protection standards applicable to all States Parties. The Inter-American Court of Human Rights (2018) has systematized its jurisprudence, demonstrating the wide range of issues addressed, including enforced disappearances, extrajudicial executions, and violations of judicial guarantees.

The landmark cases adjudicated by the Court have had a significant impact on the consolidation of human rights protection within the region. Ibáñez Rivas (2016) notes that the incorporation of international humanitarian law into the Court's jurisprudence has broadened the framework of protection in situations of armed conflict. This interaction between different branches of international law reflects both the complexity of the cases brought before the Court and its capacity to adapt its jurisprudence to diverse contexts.

Among the standards developed by the Court, one of its most influential contributions is the doctrine of conventionality control, which requires States to harmonize their domestic legal frameworks with international human rights standards. Nash Rojas (2013) argues that this principle has transformed the relationship between domestic and international law, thereby strengthening the protection of human rights. In addition, the Court has established significant jurisprudential criteria concerning comprehensive reparation, access to justice, and the protection of vulnerable groups, consolidating a highly influential body of case law.

Current Challenges

Despite its achievements, the Inter-American Human Rights System continues to face significant challenges that affect both its effectiveness and legitimacy. One of the principal concerns is the implementation of the decisions issued by the Inter-American Court and the recommendations adopted by the Inter-American Commission. Charpentier (2016) contends that tensions between State sovereignty and international obligations constitute a major obstacle to the execution of these decisions. Similarly, Barbuto (2017) warns that domestic political contexts may negatively influence States' commitment to the system and their willingness to comply with its mandates.

Another important challenge concerns the legitimacy of the system in the contemporary international environment. Sikkink (2019) argues that although human rights have gained widespread global recognition, they have also become the subject of criticism from political actors who perceive international institutions as constraints on State sovereignty. This situation underscores the need to strengthen the credibility and transparency of Inter-American institutions while promoting greater participation by civil society in their processes and decision-making mechanisms.

Finally, the financing of the system represents a critical factor affecting its operation and long-term sustainability. Limited financial resources constrain the operational capacity of Inter-American bodies, reducing their ability to respond effectively to emerging human rights challenges. Correa Henao and Robayo Galvis (2022) emphasize the need to strengthen funding mechanisms to ensure the sustainability of the system and enhance its responsiveness to new and evolving issues. In this context, the future of the Inter-American Human Rights System will largely depend on its ability to adapt to emerging challenges while maintaining its relevance as a regional mechanism for the protection of human rights.

Discussion

The analysis of the Inter-American Human Rights System reveals a persistent tension between its normative and institutional development and its practical effectiveness in the protection of fundamental rights. Although the consolidation of institutions such as the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights has strengthened the system, its actual impact largely depends on the commitment of States to comply with its mandates. In this regard, the evolution of the system, as described by Berrocal Duran et al. (2023), demonstrates significant progress in the juridification of human rights

while simultaneously exposing structural limitations that hinder effective implementation. This duality raises important questions concerning the system's capacity to generate sustainable and long-term transformations.

From a critical perspective, the expansion of the system's competencies has enabled it to address emerging issues, including economic, social, and cultural rights, as well as the protection of vulnerable groups. Nevertheless, as noted by Allauca-Caicedo et al. (2023), this expansion has also generated challenges related to operational capacity and institutional coherence. The increasing demand for intervention by Inter-American bodies may exceed the resources available to them, thereby affecting the timeliness and effectiveness of their decisions. Consequently, the expansion of the system should be accompanied by strategies aimed at strengthening its institutional sustainability and operational efficiency.

Regarding the impact on States, compliance with the judgments of the Inter-American Court constitutes one of the principal indicators of the system's effectiveness. Von Bogdandy et al. (2019) argue that these judgments have contributed to transforming legal and social realities by promoting structural reforms in numerous countries throughout the region. However, Huertas Díaz et al. (2022) emphasize that compliance remains uneven and depends on factors such as political will and institutional capacity. This variability demonstrates that, although the system possesses significant transformative potential, its effectiveness is conditioned by the domestic political and institutional dynamics of individual States.

Furthermore, the jurisprudence developed by the Inter-American Court has played a central role in the construction of international standards that guide State conduct. The doctrine of conventionality control, examined by Nash Rojas (2013), represents a major advancement in the articulation between domestic and international law. Nevertheless, its practical application continues to face resistance in certain national contexts where tensions persist between State sovereignty and international obligations. This situation highlights the need to strengthen legal culture and institutional awareness regarding the importance of human rights protection.

The legitimacy of the Inter-American System also constitutes a crucial dimension of its operation and effectiveness. Sikkink (2019) argues that, despite recurring criticisms, human rights continue to serve as a global normative reference, thereby reinforcing the relevance of the system. However, Barbuto (2017) points out that political changes within the region may influence public perceptions of and support for international institutions. In this context, the legitimacy of the system depends not only on its normative framework but also on its ability to respond effectively to social demands and maintain the confidence of States, civil society organizations, and other relevant stakeholders.

Finally, challenges related to financing and institutional sustainability represent critical factors for the future of the system. Correa Henao and Robayo Galvis (2022) emphasize that limited financial resources constrain the capacity of Inter-American bodies to effectively fulfill their mandates. This situation requires the adoption of measures aimed at ensuring adequate and sustainable funding, as well as the efficient management of available resources. Accordingly, the strengthening of the Inter-American Human Rights System requires a comprehensive approach that combines normative advancement with improvements in practical implementation, institutional capacity, and long-term sustainability.

Conclusions

The Inter-American Human Rights System has become a fundamental mechanism for the protection of fundamental rights in the region, distinguished by its normative, institutional, and jurisprudential evolution. The work of the Inter-American Court of Human Rights and the

Inter-American Commission on Human Rights has enabled the development of international standards that have strengthened human rights protection and contributed to the transformation of domestic legal systems. In this sense, its impact extends beyond the legal sphere, contributing to the consolidation of democracy in Latin America.

However, the effectiveness of the system continues to face significant challenges, particularly regarding the implementation of its decisions by States. The persistence of institutional limitations, as well as the lack of political will in certain contexts, reveals a gap between the normative recognition of rights and their effective guarantee. This situation highlights the need to strengthen monitoring and enforcement mechanisms in order to ensure real and sustained protection of human rights.

Likewise, the legitimacy and sustainability of the system depend on its capacity to adapt to the political, social, and economic changes in the region. Strengthening cooperation among States, fostering active participation of civil society, and ensuring adequate funding are key elements for its future consolidation. Consequently, the Inter-American System must not only maintain its role as a protection mechanism but also position itself as a strategic actor in building a legal culture grounded in the unconditional respect for human rights.

Study limitations

This study presents certain limitations inherent to its methodological approach and scope. First, as a qualitative research based on a narrative review with systematic elements, the findings depend on the critical interpretation of selected sources, which may introduce a degree of subjectivity. Furthermore, although priority was given to the analysis of jurisprudence from the Inter-American Court of Human Rights and documents from the Inter-American Commission on Human Rights, not all existing cases were included, but only those considered most relevant, which may limit the generalizability of the findings.

Future studies

Future research is recommended to further deepen the empirical analysis of compliance with the decisions of the Inter-American Human Rights System, incorporating mixed-method approaches that allow for more precise measurement of its impact in specific national contexts. Likewise, it is relevant to explore the role of domestic actors, such as constitutional courts and civil society organizations, in the implementation of Inter-American standards. Comparative studies with other regional human rights systems could also provide valuable insights into the effectiveness and sustainability of the system.

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Conflict of interest statement

The author declare that there is no conflict of interest—financial, institutional, or personal—that could have influenced the development, analysis, or results of this study. Furthermore, it is affirmed that this research was conducted independently, with academic rigor and adherence to ethical principles.

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