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**THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS:  
“WHEN THE STATE DOES NOT ACT WITH DUE DILIGENCE WHEN  
THERE IS A COMPLAINT OR SUSPICION OF GENDER VIOLENCE IT  
BECOMES AN ACCOMPLICE TO DISCRIMINATION AND IMPUNITY”**

*Madrid, Spain, March 5, 2025.* The Constitutional Court has reasserted the key role of female jurists in advancing gender equality and democracy at a global level with a keynote speech by the President of the Inter-American Court of Human Rights (I/A Court HR), Nancy Hernández López, in celebration of Women’s Day.

Nancy Hernández focused her speech on the contribution of the inter-American system for the protection of human rights to women’s rights. Through the Court’s jurisprudence, she put the spotlight on gender violence. She denounced that Latin America is one of the most violent regions in the world for women, and in some countries impunity rates reach 98%.

The President, following the jurisprudence of the Court, has pointed out that domestic violence is not a private matter, but a human rights problem that States have the obligation to prevent, prosecute and punish. When the State does not act with due diligence when there is a complaint of or suspicion of death due to domestic violence in the family environment, it is not only ignoring the protection of the victims but also becomes an accomplice to discrimination and impunity.

In this regard, the President, a jurist with more than 35 years of experience, magistrate of the Constitutional Chamber of Costa Rica and judge of the Inter-American Court since 2022, has appealed to both national and international justice, which have the inescapable obligation to act with determination because impunity cannot continue to be the norm and indifference is not an acceptable answer.

President Hernández indicated that violence against women has increased in many countries in the region, reflecting the persistence of cultural patterns of gender discrimination. This, in addition to the prevailing impunity in most judicial systems perpetuates the status quo, normalizes violence, particularly against especially vulnerable female populations such as indigenous, poor women, children, human rights defenders, journalists, trans women and black women, among other.

Through the judgments of the Inter-American Court, sexual violence has been recognized as torture, States have been required to adopt effective measures to prevent femicides, and it has been established that some forms of violence affect women in a differentiated and disproportionate manner; therefore, a gender perspective is necessary.

Regarding sexual violence, the Court has determined that consent cannot be inferred in situations where the victim has been coerced, threatened or intimidated, or when the aggressor holds a position of authority over the victim.

*"Jurisprudence has charted the path, but it is our responsibility as a society and as judicial operators to ensure that these laws and standards are complied with and that they evolve. We continue making progress with conviction towards a justice that not only provides reparation but also prevents, that not only punishes but also transforms. Only in a society where the rights of all persons are fully respected, we can speak of true democracy, equality and rule of law,"* she concluded.

Moreover, President Cándido Conde-Pumpido Tourón highlighted the role of international courts such as the European Court of Strasbourg and the Court of San José, Costa Rica in the creation of a "Universal Rule of Law" and the protection of human rights.

In his speech he mentioned the very recent judgment of the European Court of Human Rights, *Costa i Roselló v. Spain*, whereby it was unanimously ratified that all public authorities are subject to the Constitution and the decisions of the Constitutional Court, which interprets it. The resolution confirms that the alleged interference denounced by the plaintiffs in the jurisdiction of an autonomous Parliament was groundless, given that the Constitutional Court had solely exercised its authority to impose its decisions in extreme circumstances, applying the powers granted to it by the Constitution and its organizational law.

The President also praised the valuable work of the Court throughout its history to unveil discrimination against women in any environment, whether work, political, family, economic or social. He mentioned the social impact of the recent judgment on the extension of maternity leaves in single parent homes.

The Vice-President, Inmaculada Montalbán Huertas, explained that the Constitutional Court has responded, within its sphere, to the call for action of UN Women to adopt measures against all forms of violence, discrimination and exploitation of women and children, to dismantle structural barriers and guarantee access to leadership and decision-making spaces. On the one hand, it does so by renewing its commitment to the consolidation and promotion of the right to equality while also reclaiming the key role of female jurists in improving the quality of democracy.

In this regard, she noted that a gender perspective is necessary when interpreting and applying constitutional law. It is a methodological approach and a transversal criterion for interpretation aimed at promoting equality as a key part of the culture of respecting and promoting human rights. A category for analysis of the reality of inequality between men and women.

The Vice-President also spoke of the importance of women gaining access to decision-making spaces. She noted that for the first time in its 45 years there are currently five women on the bench of the full Court. A positive trend thanks to the law on equality and women's awareness of the rights that protect them.

In recent years the Constitutional Court has celebrated important milestones for female jurists: the first female president of the Constitutional Court, María Emilia Casas; the Spanish magistrates in the Courts of Luxembourg and Strasbourg, María Lourdes Arastey and María Elósegui; the magistrate of the United States Supreme



Court, Sonia Sotomayor and the former President of the European Court of Human Rights, Siofra O'Leary.

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